Taylor Loses Court Appeal In Alabama

MONTGOMERY, Ala. — (AP) — The Alabama Court of Appeals has upheld the disorderly conduct conviction of Sen. Glen Taylor, Democrat, Idaho, in Birmingham in 1948 and threw out his attack on the city's racial segregation ordinance.

All three judges on the court yesterday agreed with the opinion written by Presiding Judge Charles R. Bricken.

Taylor, then a candidate for Vice President on the ticket with Henry Wallace, was fined $50 and sentenced to jail for 180 days after trying to enter a door reserved for Negroes at a meeting in Birmingham May 1, 1948.

The Senator was scheduled to speak at a meeting of the Southern Negro Youth Congress held in a Negro church.

He based his defense on the grounds that Birmingham's segregation law, which provides separate entrances for whites and Negroes, is unconstitutional. Both Police Court Judge Oliver Hall and later, Circuit Judge George Lewis Bailes ruled the racial question was not involved.

Court Upholds Taylor's Fine

Senator Glen Taylor (D-Idaho) lost another round Tuesday in his court fight against Birmingham's racial segregation law.

The Alabama Court of Appeals unanimously upheld the $50 fine and 180-day jail sentence given the senator for trying to use a Negro entrance at a meeting of the Southern Negro Youth Conference in Birmingham on May 1, 1948.

Taylor, then a candidate for vice president on Henry Wallace's Progressive ticket, was scheduled to speak at the meeting. A city ordnance requires separate entrances for Negroes and whites and two doors at the Negro church where the meeting was held were designated that way.

In an eight-page decision written by Presiding Judge Charles R. Bricken, the Court of Appeals rejected Taylor's contention that the segregation law is unconstitutional and that he had a right to enter the building through the door reserved for Negroes.

The Idaho senator used that argument when he was first tried in police court and again when he appealed to circuit court. Both Police Judge Oliver Hall and Circuit Judge George Lewis Bailes ruled that the racial question wasn't involved.

Judge Bricken didn't even go into the issue of whether the segregation ordinance is constitutional or unconstitutional. He held—and his two colleagues agreed—that Taylor failed to show there was anything wrong with the City of Birmingham's complaint against him.

Still In Dark

After reading the defendant's brief filed with the Appellate Court, the judges said "we are still in the dark as to why it is claimed the complaint was insufficient."

Taylor's lawyers filed a demurrer to the complaint and also a motion to throw it out of court at the time he was tried. Both were turned down and although their denial was cited as an error, the Court of Appeals said "There is no brief or argument in support of either assignment of error."

As to the racial issue, Judge Bricken said this:

"There is no intimation that the complaint is insufficient, and the relevancy of the constitutionality of the segregation ordinance to the sufficiency of the pleading is not apparent."

Taylor's brief, filed with the Appellate Court several weeks ago, was based largely on the argument that the segregation law is invalid and that Birmingham police had no right to stop the senator from using the Negro entrance.

Discussing the racial question again, Judge Bricken said the Negro church where the meeting was held had itself arranged for segregation, and observed:

"The church had a right to insist on segregation of their own property; it had a right to insist on members of the white and black races using separate entrances; it had a right to post signs designating a white and a Negro entrance without regard to any segregation ordinance.

"If the appellant (Taylor) sounght to force his way into the building in a way and manner contrary to the arrangements that had been made by the church, he might be regarded as a trespasser. Such conduct had a tendency to bring about a breach of the peace."

Further, the court said no effort was made to forceably restrain Taylor until after he "bumped" a policeman trying to keep him from going in the Negro entrance.

The senator has said he will take the case to the U. S. Supreme Court if necessary.

Ala. Cir. Court Concurs On Glen Taylor's Conviction

MONTGOMERY, Ala. — The $50 disorderly conduct fine levied against U. S. Senator Glen Taylor (D) Ida., as a result of his scuffle with police who tried to keep him from entering a Negro church through its colored entrance was upheld Tuesday.

The Alabama court of appeals declared Taylor's claim that police used force in attempting to enforce an unconstitutional law to be "entirely without merit and wholly unsupported by record."

Taylor's lawyer, Arthur Shores, of Birmingham, Ala., said he would carry the case to the Supreme Court of the United States if necessary. But he will have to ask the Appeals Court for another hearing before that will be possible.

Taylor was arrested in Birmingham, in May, 1948. At the time, he was campaigning for vice president of the United States on the Progressive Party ticket led by Henry Wallace.

His defense was that Birmingham's segregation laws were unconstitutional.

REVIEW OF TAYLOR CONVICTION ASKED

The Alabama Court of Appeals, which upheld Senator Glen Taylor's disorderly conduct conviction, was asked Wednesday to take another look at it.

Taylor (D-Idaho) requested a rehearing, contending the appellate court was wrong in the decision it handed down 15 days ago.

The three judges on the court unanimously agreed with the $50 fine and 180-day jail sentence given the senator after he tried to use a Negro entrance at a meeting in Birmingham in 1948. Taylor, then candidate for vice president on the Henry Wallace ticket went to the meeting to address the Southern Negro Youth Congress.

Charged with disorderly conduct, the senator was convicted first in police court and later in circuit court. Both judges rejected his contention that Birmingham's racial segregation ordinance is unconstitutional and that he had a right to use the Negro entrance. He scuffled with a policeman who stopped him. Taylor used the same argument in contesting the conviction in the Court of Appeals, but that tribunal threw it out on the grounds that racial questions weren't involved in the disorderly conduct charge. The senator has said he will appeal to the U.S. Supreme Court if necessary. There was no indication when the Court of Appeals will act on the rwquest for rehearing.

Advertiser
Montgomery, Ala.
Tues. 1-3-50

Senator Loses 2nd Appeal In Jim Crow Case

MONTGOMERY, Ala. — In a unanimous decision, the Alabama Supreme Court upheld Thursday the disorderly conduct conviction of Senator Glenn Taylor of Idaho.

The high court flatly refused to review a previous decision of the Alabama Court of Appeals.

In July, 1948, the Idaho Democrat was fined $50 and sentenced to 180 days in jail after he attempted to use a door reserved for Negroes at a Birmingham church. At that time he was a candidate for Vice President on the Progressive party ticket with Henry A. Wallace.

Taylor contended that Birmingham's racial segregation law is unconstitutional and that police had no right to stop him from using the Negro entrance to the building where he was scheduled to make a speech.

The trial court held that racial segregation was not involved, that Senator Taylor was convicted of disorderly conduct because he scuffled with policemen assigned to the rally.

Taylor Conviction Is Upheld

MONTGOMERY, Ala., Jan. 10—(AP)—The Alabama Court of Appeals today upheld the disorderly conduct conviction of Sen. Glen Taylor (D., Idaho), in Birmingham in 1948 and threw out his attack on the city's racial segregation ordinance.

All three judges on the court agreed with the opinion written by Presiding Judge Charles R. Bricken.

TAYLOR, THEN a candidate for vice president on the ticket with Henry Wallace, was fined $50 and sentenced to jail for 180 days after trying to enter a door reserved for Negroes at a meeting in Birmingham May 1, 1948.

The senator was scheduled to speak at a meeting of the Southern Negro Youth Congress held in a Negro church.

He based his defense on the grounds that Birmingham's segregation which provides separate entrances for whites and Negroes, is unconstitutional but both Police Court Judge Oliver Hall and later, Circuit Judge George Lewis Bailes, ruled the racial question was not involved.

Taylor's appeal to the court here was based on the same contention.

LOSES AGAIN—Sen. Glen Taylor.

REFERRING TO THAT argument, the Court of Appeals said that the Idaho senator had filed a demurrer to the city's complaint and also a motion to throw the complaint out of court. Although the refusal to grant the demurrer and dismiss the complaint were cited as errors in the trial court, Judge Bricken said, "there is no brief or arguments in support of either assignment of error.

"There is no intimation that the complaint is insufficient and the relevancy of the constitutionality of the segregation ordinance to the sufficiency of the pleading is not apparent."

Further, the court said, after reading "the entire brief for appellant (Taylor) we are still in the dark as to why it is claimed the complaint was insufficient."

The brief which the court mentioned was based almost entirely on the contention that the Birmingham segregation law is invalid and that police had no right to stop Taylor from using the Negro entrance.

* * *

GOING FURTHER into the racial argument, the Court of Appeals said the trial jury "doubtless" found that the segregation of the audience at the Negro meeting was in accordance with arrangements made by the church itself.

Those who had arrived at the church before Taylor "respected the arrangements made by the Church" the opinion continued.

Judge Bricken said that the church had a right to insist of segregation on its own property.

"It had a right to insist on members of the white and black races using separate entrances," the court ruled.

"It had a right to post signs on the building designating a white and Negro entrance without regard to any segregation ordinance,

"If the appellant (Taylor) sought to force his way and manner contrary to the arrangements that had been made by the church he might be regarded as a trespresser... Such conduct had a tendency to bring about a breach of peace."

Furthermore, the court said, if Taylor did not want to use the entrance "the church had designated for him to use, he was privileged to abandon his contemplated address instead of resorting to force."

Reviewing the lower court's record, Judge Bricken said a police officer "courteously" told Taylor that the entrance he tried to use was reserved for Negroes and that no effort was made to forcibly restrain him until the senator had bumped into the officer.

Tayor previously had announced he would take the case to the United States Supreme Court, if necessary.

News
Tues 1-10-50
Birmingham, Ala.

Fight Review of Taylor Case

Senator Calls His Conviction Illegal

WASHINGTON (NNPA) —The United States Supreme Court was asked last Friday to dismiss the petition of Sen. Glen H. Taylor (Dem., Ida.) for a review of his conviction by Alabama courts on a charge of disorderly conduct for attempting to enter a colored church through a door marked "Negro entrance."

Thomas E. Huey Jr., attorney for the City of Birmingham, contends that the trial record presents a simple case of assault and battery by Senator Taylor upon a police officer, the use of profanity by him and conduct and profanity by him in a police automobile, tending to a breach of the peace.

The case grew out of Senator Taylor's arrest and prosecution after he attempted to enter the Alliance Gospel Tabernacle in Birmingham on the evening of May 1, 1948. At the time he was the candidate of the Progressive party for Vice-President of the United States.

Senator Taylor had been invited to address a meeting of the Southern Negro Youth Congress at the church on the evening of May 1. When he arrived at the church, a number of police officers and on-lookers were present on the street.

After talking momentarily with a number of persons there to greet him, Senator Taylor started into the church through the main entrance, which was reserved for "colored." A policeman first told him he could not enter and then blocked the Senator's entrance.

Believed He Was Assaulted

The two men brushed or bumped each other as Senator Taylor attempted to pass the officer, who pushed him back. Senator Taylor made a second attempt to enter by the front door and was again pushed back.

The Senator was then forcibly marched from the church and as he and two policemen crossed the yard, they tripped on some barbed wire and fell to the ground. Believing he had been assaulted, Taylor is said to have cursed and declared, "You can't do this to me." It was then that he was informed that he was under arrest.

180 Days at Hard Labor

The Idaho Senator was convicted in Recorder's Court, and the conviction as upheld by the Jefferson County Circuit Court and the Alabama Court of Appeals. Later the State Supreme Court refused to review the appellate court's judgment which upheld a $50 fine and imprisonment at hard labor for 180 days.

Mr. Taylor, who is represented by Earl Dickerson of Chicago, Arthur D. Shores of Birmingham and John J. Abt of New York City, charges that the action of the Birmingham police in forcibly enforcing racial segregation violates his Constitutional rights.

Sen. Taylor Takes Case to Top Court

WASHINGTON

Senator Glenn H. Taylor (D. Idaho) announced Monday that he has filed a petition of certiorari in the U. S. Supreme Court requesting review of his 1948 conviction and six months prison sentence for disorderly conduct in Birmingham, Ala.

In May, 1948, the senator attempted to enter a colored church through the door marked "Negro Entrance," in violation of a local law. After being convicted of disorderly conduct, the Senator appealed the case to the Circuit Court of Jefferson County, and to the Ala. Court of Appeals.

Both courts upheld the decision on the grounds that the church had the right voluntarily to make such arrangements and to override established custom had a tendency to breach the peace.

The Idaho Senator's latest bried questions the constitutionality of segregation laws of the Birmingham type, prohibiting the comingling of colored and white persons at public meetings, entertainments and the like.

American Medical Association

Race Bias in
Medical Adv. is
Dropped.

New York- (Atlas)
The Journal of the
American Medical
Association has
agreed to elimi-
nate all designa-
tions of race, creed
and color from its
"situation-wanted"
advertisements. This
action is in accordance
with a recently an-
nounced agreement be-
tween the Association
and the New York State
Commission against
discrimination.
Similar discriminatory
references in "help-
wanted" advertisements
has been eliminated
long ago.
A complaint against the
Association had been
filed with the com-
mission by the American
Jewish Congress of
May 19.

Informer
Sat. 7-15-50
Houston, Texas

Everything's Just Dandy

Mrs. Truman, Women's Group, Mum on Canceled Tea Date

Why isn't Mrs. Truman having tea at the University Women's Club, Inc., on January 16?

She was invited. She accepted. It was in the papers.

The answer is simple. The University Women's Club, Inc., withdrew the invitation on Wednesday.

Well, why did the University Women's Club, Inc., withdraw the invitation?

Dr. Elisabeth Conrad, club president, said, "Any statement on that will have to come from the White House."

Mrs. Edith B. Helm, Mrs. Truman's social secretary, said "Any statement on that will have to come from the Club."

Dr. Conrad was contacted again.

"I will say this." she said pleasantly. "Mrs. Truman and Mrs. Helm are always very cordial to us and anything they do is just fine."

She added, also, that the club is going to have a business meeting next Monday. "And there may be something interesting them."

The University of Women's Club, Inc., seceded from the Washington Branch, American Association of University Women after a dispute involving the admission of Mrs. Mary Church Terrell, well known Negro leader.

Dr. Conrad, leader of the dissenters, who fought against Mrs. Terrell's admission, also led the seceders out of a national convention of the American Association of University Women in Seattle, last June.

The group later changed its name to University Women's Club, Inc., and its headquarters from the national clubhouse at 1634 I st. nw. to 1515 New Hampshire ave. nw.

Mrs. Truman's 'Face' Saved

University Women Withdraw Tea Bid

WASHINGTON (NNPA)—The invitation which Mrs. Truman had accepted to tea with the executive board of the lily-white University Women's Club has been quietly withdrawn, it was learned last Saturday.

No explanation could be obtained concerning the withdrawal of the invitation.

In informed circles, it was believed that the club acted to save face for the First Lady after she found herself in an embarrassing situation because of her acceptance of the invitation.

Resort to Buck Passing

Dr. Elisabeth Conrad, club president, who led the fight against the admission of a colored woman to membership in the Washington chapter of the American Association of University Women, said:

"Any statement on that (withdrawal of the invitation) will have to come from the White House."

Mrs. Edith B. Helm, White House social secretary, said: "Any statement on that will have to come from the club."

Dr. Conrad Discreet

Asked a second time to explain the withdrawal of the invitation, Dr. Conrad said;

"I will say this: Mrs. Truman and Mrs. Helm are always very cordial to us and anything they do is just fine."

She added that the club is going to have a business meeting Monday "and there may be something interesting there."

Unaware of Feud

Mrs. Helm announced on Jan 3, that Mrs. Truman had accepted an invitation to tea on Jan. 16 with the executive board of the University Women's Club.

Questions from reporters made it evident that she and the President's wife were unaware, in accepting the invitation, of the bitter racial dispute in which this group had engaged.

Mrs. Terrell Factor

Rather than accept Mrs. Mary Church Terrell, widow of the late Judge Robert H. Terrell and a graduate from Oberlin College, as a member, the local chapter of the American Association of University Women, bolted from the national organization and set up the University Women's Club.

Before the split, the dissident group carried their fight to the District Court and the U.S. Court of Appeals here.

12 Tan Members

The 1948 convention of the AAUW in Seattle, Washington, reaffirmed its stand that women were to be admitted to membership on the basis of education without regard for race.

The group of about 1000 women then quit the local chapter, organized the University Women's Club, and took an old mansion at 1515 New Hampshire Ave., N.W., as a clubhouse.

Since the split, the local chapter of the AAUW has admitted about a dozen colored women university graduates to membership.

Race Issue Bobs Up In Mrs. Truman's Bid To Social Tea

WASHINGTON, D. C. — What promised to be a racial issue of national proportions brewed in a Washington teapot evaporated last week when the University Women's Club, Inc., discreetly withdrew its invitation to Mrs. Harry S. Truman, to be a guest at a tea slated for Jan. 16.

In fact, in order to make sure that the vapors of the building issue would not prove embarrassing [illegible] to the White House or to members of the DWCA, the club cancelled the pre-arranged tea altogether.

RACE QUESTION

The race question got in the way of the scheduled affair when comment arose over the fact that although President Truman is advocating [illegible] civil rights program, his wife had accepted an invitation from a Washington group which split away from the American Association of University Women over the admission of a colored woman to membership.

This group of about 1,000 Washington women withdrew from the local chapter of the AAUW rather than accept the edict of the national body to admit Mrs. Mary Church Terrell, widow of the late Judge Robert H. Terrell an early graduate of Oberlin University.

AIRED IN COURT

The racial dispute was aired out in the District Court and the United States Court of Appeals for the District of Columbia and finally was carried last Summer to the AAUW convention in Seattle Washington. There the national body voted overwhelmingly to uphold its national policy and admit women to membership on the basis of education without distinction as to race.

MANY STOOD FIRM

A considerable segment of the local membership stood firm on this national policy, continued as the local chapter of the AAUW, and more than a dozen colored women university graduates have joined the chapter.

The dissident group bolted the organization, organized the University Women's Club and took over an old mansion at the New Hampshire avenue address as a club house. Some of its members have contended that the race issue was not only involved in the dispute but that the revolt was based on the issue of autonomy or self-government for local chapters.

Unaware of the long controversy, Mrs. James Helm, White House social secretary, announced on Tuesday of last week that Mrs. Truman had accepted an invitation to the club's Jan. 16 tea.

"We just didn't dream it would be embarrassing," Mrs. Leslie Whitten, the club's hospitality chairman, said today.

She told a reporter that after she saw the comment she telephoned Mrs. Helm "rather than have her call me." She said she offered to withdraw the invitation if it would be embarrassing to Mrs. Truman.

The next day's mail, Mrs. Whitten related, brought a "lovely note" from the White House accepting the offer to take back the bid.

Mrs. Helm would say only that "the invitation was graciously withdrawn by the club."

With the First Lady not coming the tea itself was cancelled.

Bess 'Strikes A Blow For Freedom' With Tea

Defender. Sat. 1-14-50 Chicago, Ill.

★ Proves Self First Lady By Turning Down Invitation Of University Women Who Wouldn't Sanction Negro Members ★

38a

MRS. HARRY S. TRUMAN will not be honor guest at a tea given by the University Women's Club in Washington, Jan. 16, because she learned the group split-off from the American Association of University Women over the issue of admitting qualified Negro women into membership.

Mrs. Edith Helm, social secretary at the White House, confirmed that the First Lady had accepted the University Women's Club's tea invitation but said she knew nothing about the split. The following day, the date was cancelled, but the reason was not known. Not to be outdone, the club cancelled the tea.

Dr. Elizabeth Conrad, club president, said that any statement on cancellation would have to come from the White House. Mrs. Helm, on the other hand, said any statement would have to come from the club.

The University Women's Club of some 1,000 members was formed when the group pulled out of the AAUW after refusing to bow to a National Organization Policy adopted at the Seattle Convention last Summer calling for the admission of qualified Women College graduates without regards to race, creed, or color.

A substantial group of the local AAUW Chapter here stood by the National Convention's ruling and were granted the local charter. Since that time some of 12 Negro women have been admitted to membership.

Following Tuesday's disclosure that Mrs. Truman would have tea with the University Women's club, it was recalled by several sources that the group split from the AAUW in order to keep from admitting Mrs. Mary Church Terrell to membership. Then the question rose of how Mrs. Truman's acceptance would look in view of the President's civil rights program.

Mrs. Leslie Whitten, chairman of the club's hospitality committee, called the White House and explained that if Mrs. Truman stood to be embarrassed, the club would withdraw its bid.

Mrs. Helm wrote back that that would be fine. So the club did.

38a 1950

Anti-Defamation League

Race Prejudice Reduced, Says ADL Report

Constitution Mon. 4-10-50

Atlanta Ga.

NEW YORK —(AP)— Successful attacks on racial and religious prejudice in sports, education and other key areas of American life during 1949 were reported yesterday by the ~~Anti-Defamation League~~. 38a

The report added, however, that the "shocking" sum of more than $1,000,000 was collected by "leading professional bigots" last year.

ADL, founded 37 years ago, is the educational arm of the Jewish service organization B'nai B'rith. Its report was issued in the form of a book, "A Measure of Freedom," by ADL civil rights Director Arnold Forster.

The report said the Ku Klux Klan in the South has split into a handful of units competing for power and has become "little more than poor-paying racket for a gang of confidence men."

Cafe Snub, Fining of African Shames Commerce Society

FLAGSTAFF, Ariz. (ANP)—Olusan Awani, grandson of the King of Warri in Nigeria and a student at the University of California at Berkeley, received an apology from the Flagstaff Chamber of Commerce for being refused service in a local restaurant, then arrested and fined for disturbing the peace.

Awani was passing through here on Christmas Eve with several white students. All stopped at the restaurant to eat. However, the management refused to serve Awani because of his race and a quarrel followed. Awani was arrested and fined $10 for disturbing the peace.

The treatment accorded Awani was condemned by several of Tuscon's religious and civic groups, who have called for enactment of State civil rights legislation.

In its letter to Awani, last Wednesday, the Chamber of Commerce said the incident "has caused great embarrassment not only to the subject of a foreign nation, but to the students who were accompanying him. We deplore the incident and want the public to know that such inhospitable treatment of our city's guests is not typical of Flagstaff."

Injured In Wreck, Man Charges Hospital With Brutal Treatment

WILLIE ANDERSON smiles in Queen of Angels hospital, Los Angeles, as he recovers from injuries and inhuman hospital treatment, both sustained in Arizona. With him is his nurse.—Photo by Smith.

By A. S. "DOC" YOUNG

LOS ANGELES — Details of racial discrimination in an Arizona hospital were revealed here last week when an injured United Auto Workers member was 'rescued' from his painful unattended position in a filthy bed and flown to this city for medical attention.

Rescued as a result of union interest was Willie Anderson, of this city, who suffered a broken hip, two broken pelvis bones, a fractured knee, and a gashed side when his car skidded off the gravel section of a highway near Globe, Ariz., on the night of April 6. Two mail companions were also injured.

Another motorist, white, found the demolished car. He and his wife comforted the injured trio and summoned an ambulance.

Refused Admission

They were taken to a nearby town where hospital admission was refused because they were Negroes. The motorist demanded emergency treatment for one of the men whose cut throat was bleeding profusely. His throat was stitched and they were discharged.

Then, the men were taken 35 miles to the Gila County hospital at Globe. They were given a cold reception, but when the motorist announced that he had found them on the road and was going to leave them, the hospital accepted them.

Subsequently, Anderson's companions whose injuries were slight, left the hospital and returned to Los Angeles. Meanwhile, Anderson was given emergency treatment.

Not Fed

Anderson remained in bed two nights, during which time he charged he was not fed, bathed, nor cared for in any manner. His wound continued to bleed he said and the nurse refused to give him a bed pan. Later, he became ill and vomited on the floor, on the bed, and on himself. The nurse, he claimed, refused to clean up the place.

On reaching Los Angeles, Anderson's companions called Mrs. Mable Anderson, his wife, who contacted her husband's union.

Through the efforts of an International representative, Robert Holoway the hospital was contacted.

Saturday hospital attendants made half hearted efforts to treat him. His temperature was taken and established at 106; a doctor looked at his injuries.

A hole was drilled into Anderson's heel, a pin injected and a 50-pound weight suspended over the end of the bed. The leg was encased in an uncovered steel brace in an effort to pull it back into place. All this time, Anderson was fully conscious. The weight hung onto the leg until Saturday night when one of the ropes broke, twisting the leg and again throwing Anderson in to intense pain.

Cries Ignored

His cries, he said, were ignored. Sunday, a Mexican porter, declaring he could not stand to see a man suffer so, cut the remaining rope. The porter also "stole" food from the kitchen for Anderson.

Later Sunday, the doctor returned and placed a cast on Anderson's hip, over the still-open and bleeding wound. The cast remained until Wednesday, April 12, when it was cut off, all the skin on Anderson's hips and thighs coming off with it because of the bleeding. The wound, by this time, was infected. He was flown here at the union's expense.

Anderson says he plans to take legal action against the hospital as soon as "I can get on my feet."

Negroes Can't Eat At Banquet With Whites In Arkansas

State Press 38a Ark

Administering a stinging blow at racial discrimination and setting a typical example to Negro "leaders" in the south, Dr. W. H. Pipes, dean of students of Philander Smith college flatly refused an invitation to attend the October 24 meeting of the Arkansas deans at Henderson College under an open jim crow set-up.

Little Rock Ark.

Dean Pipes has disclosed that he received a letter from Dr. H. W. Kloepfer dean of the College of the Ozarks at Clarksville inviting him to the meeting but making it plain that Negroes would not be housed or fed on the campus with the white delegates. The letter named a number of top officials of the organization who expressed opinions

Ltr 10-27-50

DEAN PIPES
HE SAID "NO!"

through letters in regards to the welcoming of Negroes to the meet. The letter stated that one official wrote that he had talked to "a number of individuals and Henderson can not agree to arrange meals for colored people at that time. This would seem to eliminate a dinner or luncheon meeting for the program. There is no objection to their attending the meetings and they might make arrangements for their meals and accomodations with their people in Arkadelphia.....we might contact some of their leaders and see what arrangements are available if it is desired." The letter alleged that another official stated "We have no objections what ever to the negro members of the profession attending the meetings on the campus, but they will have to make arrangements for their meals and lodgings by contacting members of their own race. We are happy to plan a banquet, but we could not serve the negroes at that banquet....." The letter which was allegedly written by Dean Kloepfer concluded with, "I have gone into this detail that you may have all the facts, and thus be better able to understand the situation.....some have felt that unless arrangements could be made for you to eat with the white deans, you would prefer not to be invited. It has been my contention that you would prefer to be able to attend the meetings, making your own arrangements.....than not to be able to attend at all."

In his reply Dean Pipes wrote:

"Dear Dean Kloepfer:

"In reply to your letter of October 14, 1950, I regret the necessity of stating that it is impossible to accept the invitation to attend the October 24 meeting of Arkansas deans under the conditions of racial discrimination which were stipulated.

"Only yesterday Mr. Oscar R. Ewing, Federal Security Administrator, told a group of presidents of Negro colleges that 1950 'may well have heard the death knell for second class citizenship in America's institutions of higher education' ....I decline to be an afore-warned party to the backward step which my attendance of this (meeting) would proclaim.

"It is my sincere prayer that while Negroes* shed blood NOW in Korea in order to secure democracy for other peoples of the world, America will not forget that Negroes deserve full democracy at home NOW.

Sincerely yours,
W. H. Pipes
Dean of the College

*Please note that the N is capitalized; your secretary failed to do this."

—Buy Where Negroes Work—

Barber Refuses 2 Negroes... Sued

OAKLAND, Calif. — Robert Treuhaft, local attorney, has filed suit on behalf of Harry Avington and Roscoe Turner against Oscar Hofsteade, proprietor of a barber shop at 4008 Grove Street.

It is alleged that Hofsteade refused service to Proctor and Avington, explaining that he did not know how to cut Negroes' hair. When Proctor replied that he had come in for a shave, it was refused him.

At the time of their call, plaintiffs say, both seats in the barber shop were empty.

RACIAL BIAS SEEN HURTING U. S. ROLE

California Rights Group Told Home-Town Ills Cut Effect of Programs Abroad

By GLADWIN HILL

Special to THE NEW YORK TIMES.

SANTA BARBARA, Calif., Dec. 2—While substantial progress in racial and religious community harmony has been made in California in the last year, the situation still suffers from national backwardness in this field, the California Federation for Civic Unity was told today.

"America's attempts to unify a peaceful democratic world are failing because our own home towns have failed in their simple human relations," Richard Dettering, director of the organization, said at the group's fifth annual convention.

"Our people," he said, "have become the victims of panic and compulsion. The same kind of unreason which stampedes a neighborhood when a Negro family buys a home underlies your neighbor's glib chatter about dropping atom bombs all over the world, seemingly unaware that within a few months one will almost certainly be dropped on him."

The federation is a central coordinating body for some fifty organizations in the human relations field throughout the state, including the American Civil Liberties Union and the National Association for the Advancement of Colored People. An unusual organization, the federation was established because of the multiplicity of organizations in the intergroup relations in the state, which unlike most sections has a half-dozen prominent minority groups in its population.

Although efforts on behalf of fair employment practices had not registered any concrete political or legislative gains during the year, Mr. Dettering said in his annual report, "the far better prospect for local ordinances has moved our groups in San Francisco, San Diego and San Jose into action for city F. E. P. C. legislation—undertakings that have a good chance of eventual success."

Sees Threat on Housing

The problem of nondiscrimination in housing, he observed, had been complicated by the passage in the November election of a proposition requiring "local option" votes on all public housing projects.

"This possesses the gravest possible threat to the future living conditions of minority groups in this state," he said. From now on we will have to face the most intense local campaigns to kill off public housing altogether—campaigns which will invariably include race baiting."

In the field of legal rights, such as the abolition of police brutality and discrimination in public establishments, the director said, there have been a number of favorable developments but "the program has been too individualistic and fragmentary."

The convention, attended by about one hundred representatives of local organizations and councils, laid groundwork for coordinating lawyers throughout the state into machinery that could function quickly whenever an instance arose of abridgement of civil rights.

The establishment of civic-unity councils in seven new communities and preliminary moves in five more during the last year were reported. Wider organization was described as the most pressing need of the movement.

Definition of Pattern Urged

"We know that as long as there are 400,000 Negroes, 500,000 to 1,000,000 Mexican-Americans, 200,000 Jews, 50,000 Filipinos and 50,000 Chinese-Americans who are totally unorganized by any kind of civil rights group, that we do not get the support we need from the very people who stand most to benefit from our program," Mr. Dettering said.

Alluding to the establishment of federation chapters as direct-membership organizations in many communities where thee were no civil-rights organizations to coordinate, Franklin Williams, western regional director of the National Association for the Advancement of Colored People, urged that the federation's objective as a coordinating be clarified.

He observed that N. A. A. C. P. membership in California had fallen off "sharply" during a period when people generally were manifesting increasing interest in civil rights, and added:

"It may appear easier to establish our own organization than to work within an old and well-established one. The time has come when we must give serious attention to the pattern we shall follow in developing an individual or joint organizational structure best capable of achieving our common goal with the least duplication, not only locally but within the state, region and nation."

He said the N. A. A. C. P.'s Western section intended to press immediately for the amendment of California civil rights statutes to add penal provisions for violators, and to work closely with the National Farm Labor Union, A. F. L., "toward the alleviation of the privations suffered by migrant farm workers."

NEGRO-AMERICANS IN THE NEW RACIAL FRONTIERS IN CALIFORNIA

By Dr. Martin Hayes Bickham

Within the decade 1940-1950, at least 3,000,000 Negro-Americans have left their places of birth in the southeastern states and moved northward and westward into other American communities. This population movement is creating new racial frontiers in several sections of the country that previously had not experienced this phase of life in our modern world.

These new racial frontiers have developed in several areas of California during the last decade. Here, as in all types of frontier areas, life moves fast. Some are able to keep up and even move out ahead. Many are finding it difficult to keep up with the processes.

Some illustrations arising from personal contact may aid in grasping the nature of the struggle of Negro-Americans to attain and maintain true democratic status in these fast moving racial frontiers.

Recently in South Los Angeles, I sat down on a bench to wait for a bus. A Negro man was sitting there, in a sort of discouraged and downcast fashion. As we entered into conversation, I found he had been a shipworker in the yards at Wilmington, Calif., and now he was unemployed, discouraged and defeated. His family had gone away and here he sat—the very embodiment of his inability to keep up with the fast-moving procession on this new racial frontier.

The next day, I sat down in a bus beside a fine-looking Negro gentleman, well-dressed and prosperous looking. After a while he offered me his paper and we fell into a long conversation. He was out of Georgia and had no intention of returning. He was head of a prosperous money-making business and said in this new racial frontier he could move anywhere he wished, buy his food in any restaurant, stay in any hotel. He had fought for democracy in the first World War and was now enjoying its prerogatives and protection.

These two illustrations could be multiplied by thousands among the half million Negroes now residents in these new racial frontiers on the West Coast.

I visited one community that seems like a mass of tumbleweed caught on cacti in the desert near a larger city but outside the city limits, without sewerage. Here 10,000 Negroes are now trying to exist in old tumbledown shacks, broken trailers and torn and dilapidated tents. The children seem neglected, many with only a pair of ragged jeans, no shirts or shoes. Here is the rough edge of the new racial frontier. These people are pioneers. They are paying a price for their adventure. As far as could be quickly determined, neither their more prosperous Negro brethern nor the white residents of the nearby city were much concerned about what was happening to these pioneers who were blown off on the edge of the desert.

On the other hand, I saw in the nearby city, a rich and prosperous community of Negro citizens. Here were homes of culture and refinement with beautiful, well-kept lawns and gardens and fine cars standing in the driveways, Cadillacs and Packards. I saw thousands of these prosperous and fortunate Negroes in attendance at beautiful and inspiring church services. For these American citizens migration to the new racial frontiers was paying off richly. They had escaped the restrictive patterns of the old slave culture and had found freedom and a substantial and dependable basis of life on the new racial frontier.

Here then a new America is being shaped. Our American democracy is being realized. The new racial frontiers are giving a new chance to thousands of new Americans. The end is not yet. All over America, Negro-Americans are on the march to a new day of greater freedom and more complete participation in the goods and values of American democracy. The new paths are being blazed on these new racial frontiers in California.

Crusade for Freedom

I Believe

Florida Fuller

I believe in the sacredness and dignity of the individual.
I believe that all men derive the right to freedom equally from God.
I pledge to resist aggression and tyranny wherever they appear on earth.
I am proud to enlist in the Crusade for Freedom.

LUCIUS D. CLAY

DWIGHT D. EISENHOWER

JAMES A. FARLEY

WILLIAM GREEN

DOUGLAS FAIRBANKS, JR.

PHILIP MURRAY

I am proud to help make the Freedom Bell possible, to be a signer of this Declaration of Freedom, to have my name included as a permanent part of the Freedom Shrine in Berlin, and to join with the millions of men and women throughout the world who hold the cause of freedom sacred.

JOSEPH E. GREW

HERBERT H. LEHMAN

DREW PEARSON

ELEANOR ROOSEVELT

DOROTHY McCULLOUGH LEE

Add your name to the Freedom Scroll

38a

WEAR YOUR FREEDOM BELL

Join the Crusade for Freedom

If you cannot sign the actual Freedom Scroll, fill out this coupon and mail it to General Clay, together with whatever contribution you care to make.

Gen. Lucius D. Clay, Nat'l Chairman
Crusade for Freedom
Nat'l Committee for a Free Europe
Empire State Bldg., New York 1, N. Y.

Please accept my contribution and place my name on the Freedom Scroll.

Signed _____

Address _____

Contributions to the Crusade will help Radio Free Europe pierce the Iron Curtain with daily messages to 80 million victims of Communist tyranny.

Many Negroes In Freedom Drive

NEW YORK (NNPA) — Top colored leaders in a variety of fields have joined with other prominent Americans to make the Crusade for Freedom a convincing demonstration to the world of American solidarity against communist aggression abroad, according to General Lucius D. Clay, the Crusade's national chairman.

General Clay, who was military governor of Germany during the Berlin airlift, announced last Saturday that the following persons are serving as members of the Crusade's National Council.

Dr. Dorothy B. Ferebee, president of the National Council of Negro Women; Lester B. Granger, executive director of the National Urban League; Jackie Robinson, star second baseman of the Brooklyn Dodgers; Bishop William J. Walls of the A. M. E. Zion Church, Chicago, and Dr. Charles S. Johnson, president of Fisk University.

The Crusade for Freedom was launched by General Dwight D. Eisenhower in a radio address carried on all major networks on Labor Day. Its objectives are (1) to secure the signatures of millions of men, women and children on the Freedom Scroll, proclaiming belief in the cause of human freedom, and (2) to give those signing the scroll an opportunity to back up their signatures with contributions to expand Radio Free Europe.

Racial Discrimination In Washington Scored

NEW YORK — (INS) — Gov. Thomas E. Dewey attacked racial discrimination practices in the Nation's capitol Sunday and charged the Democratic Party with depriving "millions of Negroes of even the minimum opportunities for education and jobs."

In a campaign speech for Elmer Carter, Negro Republican candidate for Congress from New York, Dewey said:

"The Democratic Party today gives lip service to freedom.... you and I know that one of the great blots on America is the dreadful discrimination in Washington, D. C

"One of the most heart-rending experiences I have had as Governor is to see Negro school children go to Washington to see their Nation's capitol and have the Negro boys and girls find there was no place for them to sleep. I call that a disreputable and dishonorable record by the Democratic Party."

Governor Dewey cited the program in effect in New York state where, he said, the state believes that every man is born equal regardless of the color of his skin, his religion, the nation of his origin or whether his family had any money or not.

"I am proud to say," Gov. Dewey added, "that since I have been Governor, New York has led the way by passing the first law against discrimination in employment in America."

He said:

"We have abolished the disreputable conditions which the Democrats left in this state, of discrimination against Negroes, Jews, and Italians, in getting to be doctors and lawyers, dentists, engineers and nurses....

"The Democratic Congress refused to pass legislation against discrimination in employment. It refuses to pass the anti-lynching laws. The Democratic Congress refused to pass anti-poll tax laws.

"At every chance the Democratic Congress votes down every law against racial and religious tolerance."

Negroes Denied Cafe Service; 11 Persons Held

Police yesterday arrested a group of 10 white persons and three Negroes in Sholl's Cafeteria, 511 14th st. nw., after they refused to leave when service was denied the Negroes.

Two patrol wagons took the group to the First Precinct Station, where they were charged with disorderly conduct and released on $5 collateral each. Most of them gave the Interracial Workshop, 1867 Kalorama rd. nw., as their address.

Alfred A. McGarraghy, owner of the cafeteria, said earlier this week small groups of Negroes and whites had visited him to ask that Negroes be admitted. Yesterday the large group came at 11:30 a. m. and stood in line.

McGarraghy, vice president of the Washington Restaurant Association, said he told them he would not serve them. He explained that members of the Association have agreed not to change their present admission policies until the courts have acted finally on a test case.

When the group first entered Sholl's, James A. Cobb, attorney, was called by Assistant Corporation Counsel Clark F. King to intervene, but the group persisted in seeking service. Cobb and others had agreed to a stipulation in the test case, halting any other actions pending outcome of the action.

Municipal Court Judge Fran H. Myers last week ruled that another 14th st. cafeteria did not violate 1872-73 laws in refusing service to Negroes.

Non-Segregated Swimming Pools To Remain In D.C.

WASHINGTON — (ANP)— The non-segregated swimming pools in Washington are here to stay according to Edward J. Kelly, superintendent of the National Park Service of the Department of the Interior.

In a letter to Elmer W. Henderson, director of the American Council on Human Rights, Superintendent Kelly expressed satisfaction with the operation of the pools during the past season. There was no disorders of any kind said Mr. Kelly and "in fact I do not recollect any previous year when order at the pools has been better than during the past summer," he added.

The swimming pool situation in the District of Columbia was kept in the limelight for more than a year because of the dispute between the District Recreation board and the Department of Interior over whether they should be opened on a non-segregated basis.

The interior finally won out and the pools closed their first full year of non-segregation swimming on Labor Day. It was reported that 235,000 persons used the pools during the summer including 145,000 whites and 90,000 Negroes. There was absolutely no trouble during the entire season in spite of the previous predictions that mixed swimming would lead to racial uprisings which might result in a city-wide race riot.

Dr. E. B. Henderson, director of recreation in the public schools of the District of Columbia, declares that the harmony exhibited in the swimming pools "was largely due to usual fair play and good sportsmanship of truly American citizens...and also to the careful and splendid planning of the authorities of the Interior department and the many individuals an agencies determined to give democracy even in so touchy a situation as public swimming a fair trial."

In a letter to one of the local papers, Dr Henderson stated that the success of this program and the goodwill of most of Washington's citizens should be an example of how progress could be achieved in other citizenship endeavors.

Interracial Swimming Pools' Results Held Success, Failure

Afro-American

38a

WASHINGTON

Depending on the point of view, the District's six swimming pools which were operated on an interracial basis this summer for the first time, can or cannot be considered a successful venture.

The Interior Department, which gained control of the pools when the Recreation Department declined to conduct mixed swimming, termed the interracial operation a success.

After a riotous summer in 1949, when non - white swimmers tried to use Anacostia pool and encountered violence there were no reported racial incidents at any of the pools nor any reports of violence.

Success From Moral Standpoint

From a free play standpoint, purpose of recreation, the operation was a success. But James E. Schwab, vice-chairman of the Recreation Board, disagreed violently with the Interior Department by stating that the mixed pool operation was a failure.

In terms of losses in revenue from white swimmers who did not frequent mixed pools, Schwab, giving no authority for his survey, said the operation was not a success.

He said he learned that GSI lost $25,000 on the pools during the past summer. In this sum no account was made of the expense of policing the various pools, he added.

Police Ready for Trouble

The Interior Department used a large number of policemen in uniform and some in plain clothes. Even some swam in the various pools to be on hand in case trouble did arise.

In addition, a riot squad of 20 policemen was held in reserve, also a mobile field headquarters as well as several mounted police.

An overall report by Schwab showed that the pools' attendance was 415,952 in 1948. Some 346,275 were whites and 69,677 non whites. The attendance dropped to 236,471 in 1950, 146,400 whites and 90,071 colored, he said.

Figures on Pools Given

Figures on all the pools, showing comparison of 1948 and 1950, were:

Anacostia—102,447 whites after school in 1948 compared to 16,000 non-whites and 2,000 whites in '50. In addition, the pool was used by 10,000 white pupils during the school hours before vacations.

McKinley—21,000 non-whites and 6,000 whites in 1950 frequented the pool as compared to a white attendance of 42,617 in 1948. These were the Interior Department's figures.

School's Principal Says 'No' Because Of Negroes in Cast

Courier

Post 9-30-50

Pittsburgh Pa.

By ROBERT TAYLOR

WASHINGTON—The principal of a white high school here last week refused to let a mixed cast from "Faith of Our Fathers," sesqui-centennial drama, appear at her school. She explained that it was contrary to the District's segregated public school policy.

Mrs. Opal Corkery, principal at the Anacostia High School, took the action when two Negro and twelve white actors presented themselves at the school. Later her action was supported by Hobart M. Cornning, superintendent of Washington schools, who declared she was justified in her decision.

INDIGNANT CRITICISM

Newspaper reports of the incident provoked a storm of indignant criticism from liberal elements in the District. The NAACP and the National Council of Negro Women were among innumerable organizations immediately addressing communications to the school board condemning the action.

Feeling in the matter ran so high that Paul Massman, general manager of the Sesqui-Centennial Commission, announced withdrawal of the Commission's plan to present scenes from the play to high school audiences.

Said Mr. Massman: "The plan has been abandoned so as to avoid submerging the great educational and patriotic message of the play in a controversy over long-established laws and customs of the District."

Meanwhile, the Education Board avoided lengthy discussion of the highly inflammable issue at its regular meeting later in the week. The meeting was hastily adjourned by acting president Adelbert W. Lee immediately after the board's two Negro members bitterly criticized the policy responsible for the incident.

Negro board members expressing indignation were Dr. Phillip Johnson and Mrs. Velma G. Williams. Dr. Johnson described the action as "particularly vicious." Mrs. Williams said she was "embarrased" to be a member of the board. Both urged change of the dual policy.

Based on incidents in George Washington's life and episodes of early American history, "Faith of Our Fathers" is the symbolic play by the celebrated Paul Green written especially for Washington's celebration of its 150th year. The play has been running all summer to integrated audiences at an amphitheatre in Rock Creek Park here.

For Race Students

D.C. Hotels Drop Bars

Courier

38a

MIDDLETOWN, Conn. — The first-class Washington, D. C., hotels—The Willard, Plaza, and Roger Smith—have notified Middletown School Superintendent John W. Goodrich that these hotels will offer the same and equal accommodations to the four race members of the senior class at Middletown High School when the class makes its annual visit to Washington in the spring.

Post 12-23-50

Pittsburgh Pa.

ASK $35,000 FOR 'AMMUNITION':

Leaders Map All-Out Attack on Segregation

WASHINGTON

A group of 15 civic and religious leaders met at the Mt. Carmel Baptist Church Monday night and set up an organization to raise $35,000 to finance an all-out attack on segregation and discrimination in the District of Coumbia.

The movement, "Freedom Rally," will meet again on Dec. 11, to elect permanent officers and set up the machinery to start a six months fund drive.

They pledged to seek the necessary support for legal redress and other measures to alleviate discriminatory and jim crow patterns in Washington in the fields of education, recreation, public places of accommodation, employment and housing where, they say, democracy is seriously threatened.

Group Issues Statement

In an official statement issued and signed by the persons present the group expressed the belief that:

"Recreation and education should be directed to the full development of the human personality and to the strengthening of respect for human rights;

These should promote understanding and friendship among all racial groups, and segregation and denial of facilities contribute to degeneration, misunderstanding and lack of respect."

The group expressed the belief also that "public places of accommodation should regard all persons as equal before the law and entitled to equal protection of the law."

Better Living Standards Goal

With regards to employment opportunity the leaders determined "to bolster the courage of those who sincerely advocate the provision of more adequate and decent housing and that every possible aid should be extended to secure the provision of such housing on a fully democratic basis."

Organization to be Temporary

The proposed organization chart calls for a board of directors, coordinator, and an executive secretary. The treasurer or other person keeping the organization's monies would be bonded and give periodic accounting for expenditures of such funds.

The organization would be dissolved as soon as the $35,000 is raised within the six months period from the date of organization or as soon thereafter as possible upon completion of the appropriation of funds and the accomplishment of stated task.

Planners Named

Those attending the meeting Monday night were:

The Rev. L. Maynard Catchings, pastor, Plymouth Congregational Church; Dr. Paul Cooke, president, American Federation of Teachers, AFL; ohn B. Duncan, vice-president, D.C. Federation of Civic Association; th—e Rev. A. F. Elmes, pastor, People's Congregational Church;

Woolsey W. Hall, president, Federation of Civic Associations; Elmer Henderson, director, American Council on Human Rights; the Rev. W. H. Jernagin, Washington Bureau, Fraternal Council of Churches; the Rev. Halley B. Taylor, pastor, 15th Street Presbyterian Church; Woodrow L. Taylor, AFRO-AMERICAN;

Robert L. Taylor, Dr. Emerson Williams, Medico-Chirurgical Society; the Rev. Robert M. Williams, pastor, Asbury Methodist Church; and the Rev. Smallwood E. Williams, pastor, Bible Way Church. Some 26 persons, however, have pledged themselves in advance to support the movement.

Told to Eat in Kitchen at Emergency, Nurse Says

WASHINGTON

What constitutes discrimination?

Miss Bette Jean Ross, registered nurse, told the AFRO this week that she was discriminated against at Emergency Hospital last week when she was refused service in the doctors' and nurses' dining room, although she was assigned to duty at the hospital.

J. G. Caposella, hospital administrator, told the AFRO: "We do not discriminate here. We do have a separate dining room for colored personnel, but everyone eats the same food."

According to Miss Ross, of 607 Rock Creek Church Rd., N.W., she was attending a private patient, Officer James Turner, No. 13 Precinct, when she was refused service in the doctors' and nurses' dining room.

Nurses' Dining Room Taboo

At lunch time the head nurse, a Mrs. Collier, introduced her to the head dietician, she said, who gave her (Miss Ross) a seat in the kitchen and had a colored employee serve her lunch in the kitchen.

When Miss Ross asked where the nurses' dining room was located, she was informed that she could not eat there but could take the tray and eat in her patient's room if she did not care to eat in the kitchen.

"White and colored nurses do not eat in the same dining room here," she said she was told.

Miss Ross said she refused to eat and went back to her patient, who was on the critical list, and waited until she was relieved by another nurse at 3:30 p.m.

Rule of Hospital

When Miss Ross reported off duty she complained to the superintendent of nurses, who informed her that she could not eat in the dining room with the white nurses because it was "a rule of the hospital. If you went in there, all the white nurses would walk out. How would you feel then?" she asserts the superintendent said.

When the AFRO atempted to interview the superintendent of nurses, she refused to comment.

Miss Ross was sent to Emergency through the Freedmen's Hospital registry. A spokesman at Freedmen's said they were glad to be informed of this situation and would not send any more nurses to Emergency to be embarrassed.

The petite Miss Ross, a graduate of Provident Hospital, Chicago, is a native of Des Moines, Iowa.

Study Ordered Of Segregation Laws in D. C.

Probe of 'Missing' Statutes Directed After 'Test' Case

By Sam Zagoria

Post Reporter

Two members of the Corporation Counsel's office yesterday were directed to determine whether the city's "missing" anti-segregation laws are still in effect.

The action was taken in response to a "test" case instituted by a group of three Negroes and one white person who Monday asked Assistant Corporation Counsel Clark King to cite a restaurant for failing to serve them lunch in accordance with the disputed statute.

King, who is in charge of prosecutions for the District, declined to issue the requested warrant "for the present," but assigned two aides to make the investigation.

King said he directed the study "so that I might have knowledge of the law, if I should have to prosecute."

Eight months ago the same question was dumped into the lap of Special Assistant Corporation Counsel Daniel B. Maher by the Commissioners. Maher, who described the assigned study as a "tremendous job," declined to predict when he would have it completed.

Maher said work on the report had been interrupted by another assignment from the Commissioners which he said would take four to six weeks. He declined to reveal the nature of the new assignment.

Meanwhile, Assistant Corporation Counsels Philip N. Brophy and C. Belden White prepared to look into the law anew in their "spare time." The two agreed that it would take "two weeks, full time, at the outside" to find out if the law has been repealed or is still in effect.

Attention was first called to the missing laws in a report written by the National Commitee on Segregation in the Nation's Capital, December 11, 1948.

Last May, seven members of the District chapter of the National Lawyers Guild issued an opinion that two similar "lost" D. C. anti-discrimination laws enacted in 1872 and 1873 by the popularly elected Legislative Assembly of the District were "still in effect."

These laws call for a fine of $100 and a one-year revocation of license to do business for any restaurant, hotel, soda fountain, barber shop, bathing house, barroom and sample room, which refused to serve "any respectable well-behaved person without regard to race or color" at the same prices and in the same rooms as other "well-behaved and respectable persons" were served, the Guild declared.

D. C. to Test Discrimination Law of 1873

By Elsie Carper

Post Reporter

The District Government yesterday took a legal position that discrimination against Negroes in restaurants is illegal. A test case was ordered to let the courts decide the issue.

The question hinges on whether two laws passed by the Legislative Assembly of the District in 1872 and 1873 still are in effect.

The law of 1872 prohibited discrimination because of "race or color" against patrons of restaurants, hotels, ice cream saloons, barber shops or bath houses.

The law of 1873 restated anti-segregation regulations for restaurants and other eating and drinking establishments but did not mention hotels, barber shops or bath houses.

The penalty for violation either act was a fine of one hundred dollars and forfeiture of license for a year.

The Commissioners ordered the test case after Corporation Counsel Vernon E. West told them that exhaustive search failed to disclose "any express repeal" of the two acts.

West said that "implied repeal" of the acts could be argued either way.

Further Tests Possible

Also in question is whether the 1873 act superseded or merely amended the act of the previous year.

The Commissioners said that the next complaint of discrimination in a restaurant would be prosecuted to determine legality of the act of 1873.

West indicated that further test cases might have to be introduced to test the broader act of 1872.

The Commissioners said that "as a matter of fairness" they were notifying all restaurants that they intended to prosecute. They pointed out that no prosecution under the act had been undertaken in more than half a century.

They said that prosecution of other complaints "will be held in abeyance pending a final judicial decision" of the test case.

In ordering the law tested, the Commissioners said they felt a decision by them "as to the present effectiveness of these acts would be inconclusive because it is a matter which ultimately must be decided by the courts."

Started Last June

The "exhaustive search" into the validity of the two laws was undertaken last June by Special Assistant Corporation Counsel Daniel B. Maher at the request of the Commissioners. Maher's report formed the basis of yesterday's decision.

Attention had been drawn to the long forgotten statutes by the report of the National Committee on Segregation in the Nation's Capital.

The report, printed in December 1948, pointed out that during the period when Washington had the vote, the popularly elected assembly had passed a law giving Negroes equal rights in restaurants, hotels, barber shops, and other places of public accommodation.

The report said that about 1900 of these laws "mysteriously disappeared" from the compiled statutes of the District. Authors of the report speculated that the laws might still be in effect.

In May, the District Chapter of the National Lawyers Guild filed a long brief with the Commissioners expressing the view that the laws still operated and calling on the Commissioners to enforce them. The city heads then directed Maher to look into the matter.

The question was brought to a head last month when four persons filed a complaint in the corporation counsel's office charging violation of the acts.

They said they were refused service at Thompson's Cafeteria, 725 14th st. nw. Three of the persons were Negroes and among them was Dr. Mary Church Terrell, prominant educator and former member of the District Board of Education.

Assistant Corporation Counsel Clark King declined to prosecute at the time and referred the case to the Commissioners.

New Care Sought

West said yesterday this case would not be prosecuted but that a new case would be sought. He said he would not look for a case until Thursday to be sure that all restaurants had been warned of possible prosecution.

A question that the court will have to decide when the question is brought before it is whether the two acts are police regulations. The lawyers guild in presenting a brief to the Commissioners took the view that they were.

The 1901 District Code repealed all acts passed by the Legislature with certain exceptions including police regulations.

West said yesterday that the two acts were listed as in effect in the Compiled Statutes of the District, published in 1894 and containing laws enacted by the legislative assembly.

Test of Segregation Law Begins in District

John R. Thompson Co., operator of Thompson's restaurants here, pleaded innocent yesterday in Municipal Court to violating the anti-segregation laws of 1872 and 1873.

Judge Frank H. Myers continued the case until March 31 to allow the restaurant management time to prepare the case. The prosecution will test the efficacy of the "lost" anti-segregation laws recently held valid for restaurants by the Co-

issued to the concern for a year.

charges, King received the agreement for the complaint represented against the restaurant at 725 14th st. nw.

Conviction on any one count could result in a $100 fine and forfeiture of the restaurant license.

Exit the Tease—Enter the Test

Gayety Will Go Legitimate, Present 'The Barretts' March 6

By Richard L. Coe
Post Reporter

With feathers, fans and G-strings conspicuously absent, the Gayety Theater will reopen Monday, March 6, for a two-week run of Susan Peters in "The Barrets of Wimpole Street."

Jay Hornick, general manager of I. Hirst Enterprises, Philadelphia, operators of the Gayety, announced yesterday that this production of the 18-year-old drama will be a test run.

"If I can get the productions booked, we're going into it on a big scale," he stated. "When others see I have opened with Miss Peters, other productions won't be be too difficult to get."

Miss Peters appeared in the play at the Olney Theater last September, and as a stage novice surprised the reviewers with her work. Since then, her production has been remounted and has been playing single and split weeks in the East and Midwest.

Hornick revealed that the theater will be run on a nonsegregated basis. The theater operator indicated the theater will be renovated if the experiment succeeds by drawing both plays and audience in sufficient number.

The Gayety, seating 1500, closed its burlesque season Thursday night. Manager Bernie Ferber blamed rising costs, television and lack of new customers.

In the last several years the burlesque season has ended earlier and earlier, with this week's closing the earliest yet.

Jimmy Lake, local manager for the Hirst corporation, discounted talk the burlesque closing is for good. He said much the same thing last spring and the house reopened a month earlier than usual in August.

Stars Appeared There

Since 1907, 513 9th st., just below F, has been the setting for burlesque here, a training ground for such later stars as Bobby Clark, Will Rogers, Bert Lahr, Leon Errol, Fannie Brice and Grace LaRue.

The Hornick announcement comes at a time when the American National Theater and Academy is negotiating to lease the Belasco Theater from the Government and when several other efforts are being made by ANTA and others to bring the living theater back to the National Capital.

The role of Elizabeth Barrett has been a fortunate one for Miss Peters, screen star who was paralyzed in a hunting accident five years ago just as her film career seemed bound for a stirring future.

She has since appeared in two pictures and last summer, at Atlantic City, also played the young girl's role in "The Glass Menagerie." At Olney, she confessed these two parts, which she could play from a sitting position, were the first she had ever played on the living stage.

Booking of the Besier play, which served Katharine Cornell as her outstanding role in America and Europe, is the second Equity-manned play to come to Washington this year.

Several weeks ago Jack Kirkland presented his "Tobacco Road" with an all-Negro cast at the Howard Theater. It ran two weeks and was so successful a third week has been booked to open next Friday night at the same house.

All Equity Members

Because Miss Peters and her cast are all Equity members, there can be no question that nonsegregation at the Gayety will be the rule.

The National closed its doors August 1, 1948, because the management refused to yield to the dramatists' and actors' demands that the discrimination policy of the theater be abolished. Contrary to the segregated theaters of the South, the National admitted no Negroes at all.

This controversy has reached the point where high Government officials have been embarrassed by reports from abroad that theater for all Americans and all dark-skinned foreigners is not permitted in the American capital.

Last night a State Department official welcomed Hornick's announcement, remarking it would "relieve the situation somewhat but that some more permanent solution" should be found.

John Kenley, produced of the Peters vehicle, stated that the play's reception on its tour has been "splendid" and that he hopes to arrange for theater parties during the two-week run. Ticket sales will be announced later.

NATION'S CAPITAL RECANTS OF RECENT THEATRE SEGREGATION

Rennaisance of Legitimate Theatre Meets Popular Response From General Public

LOCAL PREJUDICE HAS HAD INTERNATIONAL REPERCUSSIONS

(By Alice A. Dunnigan

WASHINGTON — (ANP) — The city of Washington which has been in the amusement "dog-house" every since it cut its theatrical-nose to spite its prejudice-face, is now attempting to stage a come-back of redemption in order to save its ugly, discriminatory face.

The closing of the National theatre a couple of years ago rather than to operate it on a non-segregated basis put an ugly blot upon the Nation's Capital which has been hard to live down.

Foreigners visiting the United States usually left Washington with a bad-taste-in-their-mouths when they discovered that a city of this size had no legitimate theatre, and learned the reason why. This situation finally became an embarrassing sore-spot to the Department of State.

Now the situation is begining to change and an epidemic of theatrical-phobia seems to have touched Washington and is spreading like wildfire. If it continues in as rapid pace as it has begun, this city will soon be a theatrical metropolis.

This fever probably began last summer when a theatrical group presented weekly plays in an improvised open-air theater at Mederian Spark. This series of dramas proved successful both artistically and financially.

Later "Tobacco Road" was staged by an all Negro cast at the Howard, an up-town movie house patronized predominantly by Negroes. This theater, however, does not bar members of any race, and the two-week run of "Tobacco Road" was so well attended by members of all races, that it was requested to play a one-week return engagement.

The success of this theatrical group prehaps gave the Gayety management the idea of converting from a burlesque show to a legitimate play house with the policy of non-segregation.

Before this theater had begun its initial performance of "The Barretts of Wimpole Street" on March 6, an announcement was made public that the Strand theater would be leased to the American National Theater and Academy to be used as a legitimate theater.

Conforming to Actors' Equity non-segregation requirements, the first performance by the "South Pacific" touring company is expected to begin at the Strand in about six weeks.

The 2,000 capacity Strand building was opened in 1889 as an Academy of Music, but has served as a movie house for whites only for a number of years.

The transaction for leasing this building has been in the works on a hush-hush basis for several weeks it was learned. This deal was kept secret according to A. N. T. A. because it feared that adverse publicity might delay the effort to get a lease for the Belasco.

The ANTA has been trying to lease the old Belasco theater every since the National was turned into a movie house. The Belasco is now being used as a store-house for government files. Because this building has been tied up in red-tape by legislators who are determined to do all in their power to keep the Washington amusements siegregated, it has been very difficult for the theatre group to make a satisfactory deal with government officials regarding the lease of this theater.

This project has not been dropped, and in addition ANTA lawyers are also trying to get a smaller house on Madison place at Lafayette park.

With all of these plans in process, it appears that Washington will soon be a city of drama for all of its citizens regardless of race, and an amusement center for its visiting foreign neighbors.

D. C. Store Urged To Lift Jim Crow

WASHINGTON — A request that the United Cigar-Whelan Corporation abandon its present policy of refusing restaurant service to colored people in its store in the Longfellow Building here has been made by the NAACP.

In a letter to W. C. Baumhogger President of the United Cigar-Whelan Corporation, the NAACP stated that since 1947 it has been seeking a change in the policy which excludes colored employees and visitors of the Public Housing Administration and the United Nations Food and Agricultural Organization, both of which have offices in the Longfellow Building.

The Association also requested the State Department, the Public Housing Administration, and the United Nations Food and Agricultural Organization to join in asking the company to cease its policy of exclusion which is a violation of the law. The Associations letter, dated February 24, pointed out that, when the restaurant was operated by the Government Services Incorporated, all persons were admitted without regard to race. When the United Cigar-Whelan Corporation began operation of the restaurant, it instituted the policy of excluding colored people.

38a 1950

D.C.

Washington Interracial Visitors Sought to Eat in Cafe; All 15 Fined $25

Washington.—Fifteen young Negro and white persons who sought service in a Washington Cafeteria were recently sentenced by Judge Thomas D. Quinn to pay a fine of $25 each or serve 10 days in jail on a charge of disorderly conduct. In imposing this sentence, Judge Quinn accused the young people of taking the law into their own hands, which he said, they had no right to do.

The group, organized to test Washington restaurants, was composed of representatives of the Interracial Workshop. Following their arrest, members of the group called upon the Washington branch of the National Association for the Advancement of Colored People for legal assistance. They were represented in court by the following members of the branch's legal committee: Frank D. Reeves, Curtis Mitchell, Henry Lincoln Johnson, James Washington, W. Dabney Fox and Miss Margaret Haywood. An appeal will be made from this decision, the lawyers said.

Commenting on this decision, Walter White, NAACP executive secretary, said: "Democracy has come to a pretty pass when citizens seeking food in a lawful manner at a place of public accommodation are charged by a judge with taking the law into their own hands and are wilfully convicted on charges of disorderly conduct. This decision clearly indicates Judge Quinn's utter failure to understand the crucial issues of our times and inability to appreciate basic human rights."

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Principals in Jim Crow Test Case

These Washingtonians were refused service at Thompson's Restaurant Friday. From left to right, are the Rev. A. F. Elmes, pastor of People's Congregational Church, Miss Joan Williams, and Mrs. Mary Church Terrell, well known civic leader. They entered the restaurant as a test case of the District Civil Rights law of 1872 so that an appeal could be made to a higher court, if necessary. A previous test could not be appealed because of legal technicalities involved in a decision handed against a similar interracial group recently.

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Non-Segregated Pools

Another milestone on the way back to free citizenship and democracy was passed when the first full year of non-segregated swimming was ended here in Washington on Labor Day. Of 235,000 swimmers in public swimming pools about 145,000 were white and about 90,000 colored. None of the feared incidents occurred.

This was largely due to usual fair play and good sportsmanship of truly American citizens, but also to the careful and splendid planning of the authorities of the Interior Department and the many individuals and agencies determined to give democracy even in so touchy a situation as public swimming a trial. Among the methods used was a program of intercultural education for police and swimming pool personnel, refusal to let propaganda groups exploit the situation, close cooperation with honest civic-minded groups, and avoidance of inflammatory news reporting.

Although the attendance figures show a decline in the use of the public pools, a part of this is accounted for in that we have had an abnormally cool summer. And of course those who were fearful of incidents and who resent "mixed" swimming sought pools, both private and public, where swimmers more congenial to their likes might be. This is as much of a right in our democratic way as is the attendance of pupils in parochial or private schools. It was noteworthy that buses of both white and colored children from Arlington County, Virginia, went daily to the Potomac Park pool.

A most valuable element in this public demonstration is that such events give the lie to subversive propagandists who say democracy can't work. Much credit belongs to the leadership and the citizens who determined to hold back the proponents of the status quo in race relations and the onward march of democracy in other citizenship endeavors.

E. B. HENDERSON.
Falls Church.

Henderson's Comments

By EDWIN B. HENDERSON
For the NNPA News Service

Another milestone has been passed on the way back towards complete citizenship envisaged by Lincoln and Douglass after emancipation here in the Nation's Capital for its colored citizens. Over 220,000 colored and white citizens used the public swimming pools in non-segregated swimming for the first full-season since the inauguration of outdoor public pools. Over 145,000 white and 75,000 colored swimmers swam together.

Much of the credit for this effort goes to Secretary of the Interior Oscar Chapman and Superintendent of National Capital Parks Edward Kelly.

Beginning early in the year, Dr. Joseph D. Lohman of Chicago was called here to evaluate the situation and begin indoctrination courses with the Park Police and personnel of the Interior Department's pool services.

Then groups of citizens were contacted and representatives met weekly for several months to discuss ways and means of avoiding friction and encouraging the project. Committees called on newspaper publishers to ask for objective reporting and avoidance of inflammatory news treatment.

The only fly in the ointment came with the refusal of the District of Columbia Recreation Department to continue its use of the pools for free swimming and the withdrawal of its personnel. This was probably a good thing, for my personal contacts with some of these employees during the previous year led me to believe that unless they were screened for racial attitudes they would have handicapped the work of public non-segregated swimming.

There was a perceptible falling off in attendance in public swimming due to many causes. One was that because of the cool summer and July rains swimming pool attendance fell off in public and private pools in many areas of the nation.

Another reason was that because of the publicity given to incidents at the Ancostia pool in Washington and the Fair Grounds pools in St. Louis many persons stayed away for fear of trouble.

Then there were those whose parents deterred them from attending or who sought private and play ground pools where they were assured there would be no colored swimmers. Of course this is a rigrt in a democracy. In many places parents will not permit their children to go to public schools but send them to private schools.

One noteworthy feature this summer was the daily attendance at the Potomac Park pool of children from the playgrounds in Arlington County, Va., who came in non-segregated busloads from all sections of the county to swim in a pool that in other years was used by white swimmers only.

During the season one of the propaganda agencies wanted to hold a great victory demonstration at the Anacostia pool. This was quelled. Although great stress in the early season was placed on police protection, after July 4th not much more than a normal policing was found necessary, and the city police were un-alerted.

This resolving of public swimming on a non-segregated basis is more than a victory for tolerance. It gives strength to dynamic democratic growth in America.

In no field of public gatherings are racial feelings more tense than in the area of public swimming. The swimmers are for the most part young and for the most part, semi-nude. To older persons this presents a great danger in the

One reasion in my opinion is the masses of public school teachers are seldom assembled in "mixed" school systems is the fear that they are less steeped in prejudices and more friendly. The officers and older people who have reached the age of discretion or passed it often meet on problems that appeal only to the mentality.

In many places, even in the liberal areas of the north "mixed" swimming is taboo. I remember, even at Columbia University, when colored girl students were denied swimming instruction in "mixed" classes.

Therefore, we must again congratulate Mr. Chapman and his crops of liberal co-workers for this demonstration of democracy in action. It will make Jacob Malik's job harder. Write Mr. Chapman a line. will you?

Swimming Pools

The completion of the first full year of nonsegregated swimming at the six Washington pools controlled by the Interior Department affords an appropriate opportunity for sober reexamination of what has been an overheated community issue. Total attendance at the six pools during the summer months of 1950 was 235,533; of this number, about 90,000 swimmers were colored and about 146,000 were white. No disturbance or unhappy incident of any kind occurred in the course of the season.

The orderliness of the program is attributable in large part, of course, to the care and intelligence with which it was administered by National Capital Parks. Adequate police protection was provided, and the police officers assigned to this duty were trained specifically to deal with its problems; in this connection the Metropolitan Police, who took extraordinary care to see that order was maintained in the areas around the pools, deserve a share of the credit. The record demonstrates conclusively that nonsegregated swimming can be handled safely and harmoniously in Washington provided the leadership is sympathetic and sensible. Trouble is likely to arise only if, as was the case in 1949, some organized group attempts to foment it.

The one defect in the record is that attendance at the six pools was 28 percent lower than during the previous summer. In some slight measure this may be ascribed to the mildness of the weather. In considerable part, no doubt, it was due to fear that there might be a repetition of the disorder that occurred at the Anacostia pool in June, 1949; this is a fear which the experience of the past season ought to dispel. In part, too, the decreased use of the pools reflects a continuing opposition among some members of the community to nonsegregated swimming; time and education and the gradual, accelerating change in the pattern of Washington's race relations will erase this opposition.

Even with diminished attendance, the National Capital Parks pools were so congested as to discourage use of them; so were the pools operated by the District Recreation Department. Additional pools are urgently required. Construction of them in the neighborhoods where they are most needed would serve to make swimming more attractive by diminishing congestion and increasing accessibility; it would thus also reduce the danger of friction. Funds to build new pools have been sought by both National Capital Parks and the Recreation Department but have been denied presumably because of fear that they would create new trouble spots. That fear should no longer stand in the way of expansion.

The lesson of the summer's experience, in our judgment, is that nonsegregated swimming is here to stay; that it can be conducted safely and harmoniously under level-headed leadership; and that along these lines increased swimming facilities should be made available for use next summer. The experience is a credit to the community's good sense. It is a credit especially to the church and civic groups which worked to prevent trouble and to prepare the community for orderly acceptance of the new practice. The outcome is all the more gratifying to *The Washington Post* because last spring we shared the widespread fear that the community was not yet ready to accept nonsegregated swimming without a recurrence of violence.

CAPITAL BIAS HITS AAU MEET:

Mixed Teams Cause D. C. Hotel Problem

WASHINGTON

Housing for more than 450 participants, a good portion of them tan performers, looms as a sour note in the National AAU track and field championships set for June 23 and 24 at Maryland University Stadium.

Outright balking by the majority of hotels to accept teams, and high rental costs by others will force teams with predominantly tan performers out of many downtown hotels.

District AAU President Eddie Rosenblum, however, declares local officials will have no difficulty in housing athletes despite the fact less than a dozen hotels have consented to lodge teams and, half of these, no mixed teams.

Speaking at the National Capital Sesqui-centennial Commission press and radio buffet, Wednesday at the Raleigh Hotel, Mr. Rosenblum said that only the Statler, Willard, Cairo, Burlington, Roosevelt and Dunbar have consented to accept athletes without discrimination during the two-day meet.

Howard to Be Used

Moreover, some athletes may be able to stay at Howard University and a few at Maryland University. Summer schools now getting under way at the other District schools will prevent housing of visitors there. Because of school in progress and the scheduling of the 4-H Club, a limited number (not specified how many) will stay at Maryland, he explained.

One of the clubs which may be seriously hit by the situation is the Pioneer Club headed by veteran Coach Bill Yancey. The club has some 60 participants, more than 60 per cent colored. The Pioneer Club has asked to be housed in the Roosevelt Hotel, but has been recommended to the Dunbar instead.

It was pointed out by Mr. Rosenblum that the Pioneer squad being as large as it was, probably didn't have the $4.50 per day per person or $8 per day double at the Roosevelt. It would be cheaper for the club to stay at Dunbar which is charging a flat rate of $2 per day, he opined.

Dunbar Co-operates

The Dunbar Hotel, largest colored hotel in the District, already has consented to house 50 participants. The names of the teams were not disclosed.

One official source revealed that the Pioneer Club team being predominately colored probably would have trouble registering at any of the downtown hotels. No hotel desires more than two or three tan performers on a mixed team.

Expense for housing the athletes is borne by the club or school which the participants represent in the meet.

It is unlikely that any mixed teams will be welcomed at Maryland University, thus breaking its lilywhite tradition of long standing that no tan participant has not only been lodged there, but has never competed against the Terps in football, basketball, baseball, boxing and wrestling at College Park, Md.

Although summer school officially opens at Howard on June 20, Coach Ted Chambers said the university will be able to lodge at least three or four teams. "It doesn't make any difference whether the teams are mixed or not. They are welcome to Howard," Coach Chambers said.

A Havana (Cuba) team, of which Rafael Fortuna, leading sprinter is a member, has written permission to stay at Howard. It is not certain yet whether or not the team will enter the championships.

The cream of the athletes vying in the NCAA meet at Minneapolis, Minn. this weekend will take part in the meet at Maryland and the National AAU relays on June 25 at Morgan in Baltimore.

Top Athletes Listed

Among these will be mixed squads as Seton Hall (Harry Bright, Andy Stanfield, Phil Thigpen, Jim Baucom); Shippenburg Teachers (Steve Hatsfield); Manhattan (Bob Carty); Cornell (Meredith Gourdine); NYU (Bill Payne, Hartley Lewis). It is not certain whether Reggie Pearman and Larry Ellis will represent NYU or one of the local athletic clubs in New York.

There will be Big 10 representatives from Indiana, Illinois, Iowa, Michigan State, Ohio State and Wisconsin as well as outstanding stars from the far west.

The National AAU championships are sponsored jointly by the National Capital Sesqui-centennial Commission and the District AAU. The championships will also be qualifying tryouts for the Pan-American games in Argentina in 1951.

Swimming Pools

Vice-Chairman Schwab of the Recreation Board fails in his recent one-man release to discredit the success of the nonsegregated swimming project of the past summer. Why does Mr. Schwab go to such lengths as a public official to play up smaller attendance figures and extra costs while ignoring the real reasons and sociological values?

He does not reason that a part of the falling off in attendance was due to the abnormally cool summer that reduced swimming pool attendance in most areas about the Nation. He does not realize that a great many swimmers, both white and colored, did not attend the nonsegregate swimming pools for fear of troubles brought on by hoodlums and inspired by bolgots during the previous year. Of course some swimmers therefore went to the two small playground pools run publicly for those who want segregation to continue.

Mr. Schwab is not informed with facts about the cost of policing. Although extra police were provided at the beginning, the policing of the pools became normal park policing long before the season was half over.

E. B. HENDERSON.
Falls Church, Va.

D. C. Jim Crow Practices Make Schoolgirl Miss Capital Trip

East Windsor, Conn., April 8 (AP) Because of Jim Crow restrictions in Washington, the lone Negro student among the 77 seniors in Ellsworth High School will not accompany her class on a trip to the Capital next week. She turned down a Senator's invitation that she stay at his executive secretary's home.

The girl's parents have asked that she not be identified.

They said they were grateful for the invitation from Senator Benton (D., Conn.) but that they were going to take the advice of the National Association for the Advancement of Colored People and keep their daughter home. The NCAAP advised the girl not to go unless she could have the same accommodations as other members of her class. The hotel where the class will stay does not admit Negro guests.

Senator Benton said he had no home of his own in Washington, but that his executive secretary Penn Kimball of New Britain and Mrs. Kimball would be glad to have her stay at their house in Washington.

SHOWS MARTHA'S VINEYARD MAN:

School Head in R. I. Calls Off Trip to D. C.

PROVIDENCE, R.I.—Unlike a fellow school official in Martha's Vineyard Island, Mass., Superintendent of Schools James L. Hanley of this city refused to submit a group of 13 boys to segregation in the nation's capital.

When informed that no hotel in Washington would accomodate the entire group, two of whose members are colored, Dr. Hanley called off a scheduled trip to participate in the 14th annual school boy patrol conference in the capital.

He said that he did not feel that the school administration should be "a party to a segregation policy."

His stand was in strict opposition to that taken several weeks ago by Charles Downes, principal of the Oak Bluffs High School in Martha's Vineyard.

Downes, although he had been told what could be expected, sent a group of seniors to Washington, where the three colored girl graduates were forced to stay at Howard University's Slowe Hall while their classmates went on to the Continental Hotel.

Couldn't Eat, Play Together

In addition, they had to take their meals at the Slowe cafeteria or the restaurant at Union Station. They were prevented from participating with their classmates in activities at Glen Echo Amusement Park.

Long before plans for the trip were completed, Robert L. Levister, attorney for the Boston chapter of the American Council on Human Rights, and State Rep. Joseph A. Sylvia had asked Downes to guard against any embarrassment to the three girls.

Swimming Pools

Figures recently presented to the Recreation Board by vice-chairman James E. Schwab illustrate graphically the shortsighted policy of the Interior Department in [illegible] nonsegregated swimming in the District of Columbia.

Let us look at attendance figures. Total attendance in 1949 was 415,952—346,275 whites and 69,677 Negroes. Thanks to the stupidity of the Interior Department, however, total attendance in 1950 dropped to 236,471—146,400 whites and 90,071 Negroes. This decline wasn't due to the ridiculous excuses of [illegible] and rainy weather. If it was, why the increase in attendance among Negroes?

The overwhelming majority of the white people in D. C. have conclusively demonstrated, as evidenced by pool attendance in 1950, that they want no part of social intermingling with Negroes.

The Interior Department if it is not to make a complete mockery of the will of the majority, must return the pools to the status which is demanded by the majority. The majority demand segregation.

GEORGE N. TERRIS.
Washington.

Anti-Bias Laws Held Repealed

Restaurants May Legally Deny Negroes Service, Court Rules

By Benjamin Bradlee
Post Reporter

Washington restaurants can legally refuse to serve Negro customers, Municipal Court Judge Frank H. Myers ruled yesterday.

Two "lost" anti-discrimination statutes of 1872 and 1873 "have both been repealed by implication," he said, and cannot be legally enforced.

The ruling was made in a test case after three "well-behaved and respectable" Negroes were refused service at Thompson's Restaurant, 725 14th st., nw., "solely because of their race and color."

The District filed suit against the restaurant, charging violation of the 70-year-old statutes which made it a misdemeanor—punishable by a $100 fine—for restaurant or hotel keepers to refuse to sell or wait upon any respectable, well-behaved person without regard to race, color, or previous condition of servitude."

Judge Myers said that the solution to segregated eating facilities in Washington "does not lie in an attempted revival and enforcement of parts of old municipal regulations which the Court has found as a matter of law to have been superseded."

Government officials said they are trying to determine whether an appeal is possible.

There was no dispute as to the facts of the refusal on February 28 to serve the Negro customers.

In his opinion, Judge Myers said, the sole question before him was: "Were the Legislative Assembly Acts of June 20, 1872, and of June 25, 1873, validly enacted and were these acts in full force and effect on February 28, 1950?"

Judge Myers ruled that the District Legislative Assembly, abolished in 1874, did have a right to enact both statutes, and that "in their objective light" they were "not unreasonable."

Judge Myers ruled, however, that the acts were not in force on February 28, since "these old acts of the short-lived legislative assembly have been repealed" by the Organic Act of 1878.

This Organic Act, Judge Myers said in his 12-page opinion, "was passed for the express purpose of providing a complete form of permanent government for the District of Columbia and for legislative substitution for all previous legislation enacted dealing with the same subject matter."

"It seems inescapable that, if this premise be correct, then the Acts of 1872 and 1873 as such, although not directly repealed, have both been repealed by implication," the decision continued.

"It is true that rpeal by implication is not favored, but it is well settled law that this mode of repeal is just as effective as express repeal, where the later enactment covers the whole subject matter of previous law and is plainly intended to prescribe the only rule which shall govern."

The opinion said that the Organic Act of 1878 gave the Commissioners "wide authority" to promulgate ordinances dealing with operation of restaurants, and thus covered the subject matter of the 1872 and 1873 statutes.

Judge Myers said that the Supreme Court held—in 1891—that the Organic Act of 1878 "was intended to supercede previous laws relating to the same subject matter and to provide a system of government complete in itself in all respects."

"The court recognizes that it is a real problem in the District of Columbia for members of the Negro race, who meet the requirements in every way for good behavior and respectability, to find adequate and satisfactory places in many sections of this city where they may obtain and be served with food and drink," Judge Myers said.

"However, in the opinion of the Court, the solution of this particular problem does not lie in an attempted revival and enforcement of parts of old municipal regulations."

Filed by Clark King

The suit was filed by Assistant Corporation Counsel Clark F. King. Dr. Mary Church Terrell, prominent educator and former member of the District Board of Education, Essie Thompson, and Arthur F. Elmer, were the Negroes refused service.

Ringgold Hart, attorney for the restaurant, argued on April 1, 1950, before Judge Myers, that the acts were unconstitutional, unreasonable, obsolete and unenforceable, and have been repealed.

Walter White, executive secretary of the National Association for the Advancement of Colored People, attacked the Myers decision as "deeply disappointing".

"Judge Myers' decision will have terrible repercussions throughout Asia, Africa and Latin America, whose colored peoples we are asking to support our action in Korea. Radio Moscow will tell the world in the next 24 hours that the Nation's Capital is still Jim Crow by judicial decision," White said.

Judge Myers Admits Segregation Facts but Upholds Practice on Moot Grounds

Cites History of 'Lost' 1872 and 1873 Civil Rights Laws Voided 'by Implication'

WASHINGTON

Here are the main points of law on which Municipal Court Judge Frank H. Myers based his 12-page decision upholding racial discrimination in restaurants in the Nation's Capital and dismissing the complaint against Thompson's restaurant, 725 14th St., N.W.:

"In view of the apparent misunderstanding on the part of many interested persons as to the question of law which is presented in these proceedings, the Court desires clearly to state that question at this point.

"There is no dispute as to the facts. They are admitted by both sides. The sole question of law is:

"Were the Legislative Assembly Acts of June 30, 1872, and of June 28, 1873, validly enacted, and were these Acts in full force and effect on Feb. 28, 1950, when the alleged violations occurred?"

History of District Rule

The decision recalls that Congress, on Feb. 21, 1871, replaced the "mayoralty" form of government in the District with a "territorial" form, vesting legislative power and authority in a legislative assembly composed of a Council and House of Delegates.

This government was abolished by the Temporary Organic Act of June 30, 1874, which provided an interim form of Commission government.

Then the Organic Act of June 11, 1878, established a permanent form of government, and in 1901 Congress passed the Code of Laws for the District.

"Preliminary to reaching its conclusion on the main issue," the decision continues, "the Court is of the opinion that:

Acts Called Reasonable

1. "The Legislative Assembly for the District of Columbia did have the right to enact the two Acts of 1872 and 1873 because they were in the nature of municipal ordinances or police regulations.

2. "The Legislative Assembly Acts in their objective light were not unreasonable.

"The only question that remains to be determined at this point is whether or not the Acts of 1872 and 1873 were in any wise repealed.

Basis for Decision

"The Court has reached the conclusion that these old Acts of the short-lived Legislative Assembly have been repealed.

"The basis for this conclusion is to be found in a consideration of the Organic Act of 1878, which first established a complete and permanent form of government for the District of Columbia, and

"Of the subsequent execution thereunder of the wide authority vested in the Commissioners through their promulgation of many municipal ordinances dealing with the ownership, control maintenance and operation of establishments dispensing food and drink in the District.

Purpose of 1878 Law

"The 1878 Act was passed for the express purpose of providing a complete form of permanent government for the District of Columbia, and for legislative substitution for all previous legislation enacted dealing with the same subject matter.

"It seems inescapable that, if this premise be correct, then the Acts of 1872 and 1873 as such, although not directly repealed, have both been repealed by implication.

Repeal by Implication

"It is true that repeal by implication is not favored, but it is well settled law that this mode of repeal is just as effective as express repeal, where the latter enactment covers the whole subject matter of the previous law and is plainly intended to prescribe the only rule which shall govern.

"This would seem to be the case in respect to the municipal ordinances governing the operation and maintenance of eating places in the District."

Sections Quoted

Myers's decision also points out that Section Two of the Act of 1878 provided that:

"The new government shall exercise all the powers and authority now vested in the Commissioners of said District, except as hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners . . . ."

Section 1636 of the 1901 Code was also cited by Judge Meyers as stating that:

"All . . . acts and parts of acts of the legislative assembly of the District of Columbia, and all Acts and parts of Acts of Congress applying solely to the District of Columbia in force in said District on the day of passage of this Act here hereby repealed except."

11 Exceptions, Two Favored

Eleven exceptions are set forth, of which only two appeared to Judge Meyers to be relevant to the anti-segregation case.

"Acts and parts of Acts relating to the organization of the District government . . . or to police regulations, and generally all Acts and parts of Acts relating to municipal affairs only, including those regulating the charges of public-service corporations," and

"All penal statutes authorizing punishment by fine only or by imprisonment not exceeding one year, or both."

"Under this authority," Judge Myers ruled, "the Commissioners did promulgate regulations governing the control and operation of restaurants and eating places."

1908 Case Called Example

The decision also admitted that: "There is authority to the effect that the Organic Act of 1878 did not repeal all acts of the Legislative Assembly," and cited the case of Johnson vs. the District of Columbia, 1908.

(In this case, the plaintiff was convicted for mistreating a horse under a "cruelty to animals" Act passed by the Legislative Assembly. In an appeal the court found the statute was an exercise of municipal power and had not been repealed by the 1901 Code.)

Seniors Taste D.C. Jim Crow

Barred From Glen Echo, White Hotel

WASHINGTON

Three graduating seniors from high schools in Martha's Vineyard Island, Mass., got a bitter lesson in the American way of life, this past week, when they visited the capital of their "democratic" country.

Their white classmates stayed at the Continental Hotel and fully enjoyed the facilities of downtown Washington, but Grace Frye, 17; Susan Frye, 16; and Elsie Conceicao, 19, were jim-crowed throughout their stay.

They had to live in Slowe Hall, Howard University dormitory, and take their meals at the Slowe cafeteria or the restaurant at Union Station.

Barred From Park Ride

When the group went to Glen Echo Amusement Park the Frye sisters and Miss Conceicao also were barred from taking a ride on the "whip."

Leader of the tour was Charles Downes, principal of Oak Bluff High School, who kowtowed to the Dixiecrat prejudices in Washington by accepting arrangements for living accommodations made by the Martha's Vineyard Travel Bureau, which planned the tour.

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TRIP TO CAPITAL BANNED

Jim Crow' Policy Is Protested by Peekskill Education Board

Special to THE NEW YORK TIMES.

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The board ordered that resolutions protesting the "Jim Crow" policy in the capital be sent to the District of Columbia commissioners and the New York State Board of Education.

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The board recommended Boston for the next Easter trip.

"Swimming Pools"

In your editorial of April 10 you were critical of Secretary of the Interior Chapman for his decision that the six swimming pools in the District under the control of his department should be operated this summer on a nonsegregated basis. Among other things you said "the department has done its duty in laying down the general principle of nonsegregation . . ." By this language you seem to me to advocate that Secretary Chapman should adopt the pattern usual among politicians and public officials. He should be content to speak fair words and make no effort to follow him up with deeds.

Having himself wrestled with this tough problem for a number of years, I believe that Secretary Chapman has done what a decent regard for a large minority group calls for. The "gradual approach" to nonsegregation that you advocate was inaugurated by me with reference to parks and playgrounds as soon as I could get around to it. After an effort covering some 17 years to make certain white groups in Washington (including the estimable ladies of the DAR) recognize the rights of fellow citizens, it would seem to me that enough has been done by way of "gradual approach," and that the Federal Government should refuse further to temporize, as did Mr. Chapman's immediate predecessor, with the ugly policy of segregated use of facilities built and maintained at public expense to which Negroes contribute at least their equitable share.

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A firm and positive statement of policy must be made to the public that there will be no segregation under any circumstances, even if it is necessary to close the pools. Such a stand is necessary to discourage the idea that hoodlumism could force a reversion to the former policy.

Civic groups and their leaders in each pool area should be contacted and their cooperation solicited in making the plan work. Whether they agree with the change in policy or not, they should recognize their responsibility in discouraging antagonism among the teen-agers with whom they have influence.

The Park and Metropolitan police should be given adequate instruction in race relations by a qualified person. A few police should be stationed in each area when the pools open. Other persons who command respect, such as ministers or priests, might well be in the area.

Cooperation of the newspapers should be asked in keeping the opening dates out of the papers. News items about disturbances should be reported cautiously.

The key to controlling the situation after the pools open lies in the choice of trained and skillful personnel. Each pool should be manned by an interracial staff, thereby making it obvious to belligerent swimmers that the policy of nonsegregation is here to stay. Lifeguards should have a sincere desire to make the policy work and must be able to nip disorders in the bud.

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WASHINGTON — (ANP) — While the Municipal Court Judge Frank H. Myers is trying to decide whether the D. C. anti-discrimination law of 1872 is valid, the Washington restaurants are quietly dropping their color bar.

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The survey was conducted without incident by 35 Negro and white volunteers, cooperating with the committee. Of the nine restaurants refusing to comply with the 1872 law, only two said they were aware of the law and were adamant in their policy of segregation. Managers of the two Childs' Restaurants said their chains had no discriminatory policy, but placed the blame on the waitresses who refused to serve them. The other five were waiting for the test case to be settled. Childs in New York and Chicago discriminated until they were forced to stop by suits.

Arguments on the test case were held before Judge Myers a week earlier. The case originated on Feb. 28 when a party of four, three of whom were Negroes, were refused service at the Thompson restaurant. Thompson was charged with violating the long lost law of 1872 and the case was carried to Municipal court for a decision.

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The decision on this case has not yet been made by Judge Myers.

Seniors Taste D.C. Jim Crow

Barred From Glen Echo, White Hotel

WASHINGTON

Three graduating seniors from high schools in Martha's Vineyard Island, Mass., got a bitter lesson in the American way of life, this past week, when they visited the capital of their "democratic" country.

Their white classmates stayed at the Continental Hotel and fully enjoyed the facilities of downtown Washington, but Grace Frye, 17; Susan Frye, 16; and Elsie Conceicao, 19, were jim-crowed throughout their stay.

They had to live in Slowe Hall, Howard University dormitory, and take their meals at the Slowe cafeteria or the restaurant at Union Station.

Barred From Park Ride

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Capital Ends Segregation in Swimming Pools

(Courier Washington Bureau)

WASHINGTON—Jim-crow swimming in public pools in the nation's capital is no more! And a hopeful community awaits the outcome this Thursday when for the first time in a Southern city an integrated public swimming program will get under way.

No stone has been left unturned in the epochal innovation to protect American citizens from radicals and trouble makers.

The United States Government believes it can be done orderly. All pools are operated by the Department of Interior and Police Superintendent Robert J. Barrett has pledged to devote the entire District of Columbia police force of 2,200 men, if necessary, to maintaining order when the pools open.

RANKIN DISSENTS

"There will be no violence," Major Barrett said.

Meanwhile and in fitting character, it is Mississippi's racist solon, John Rankin, desperately predicting trouble and race riots.

In an inflammatory speech in the House of Representatives Thursday, Rankin said he feared race riots might be forthcoming under the non-segregation policy which he branded as "Communistic."

He characterized the Interior Department's swimming pool policy as a "persecution of white Americans in the District and one of the greatest outrages in history."

Representative Rankin claimed that many white school children had appealed to him to help save their playgrounds and swimming pools.

SEEN DUTY OF U. S.

Rankin calls the situation an attempt "to force FEPC on the American people."

But the position of the Government is clear. Said Oscar Chapman, secretary of the Interior:

"It is the duty of the Government to provide swimming pools and other recreational facilities which are essential to the public welfare and to make them available to all of the people.

"By the same token, the Government does not compel people to use these facilities. It is, however, the responsibility of the Government to protect the rights of all of the citizens who choose to use such public facilities."

TO OPEN THURSDAY

The Banneker, McKinley and East Potomac pools are scheduled to open Thursday. Anacostia, Francis and Takoma will open a week later. Last year Anacostia was closed after disturbances broke out when Negroes attempted to use the pool. Until then it had been exclusively used by white swimmers.

Although the Interior Department for several years has operated the pools under an announced policy of non-segregation, until last summer only Francis and Banneker were used by Negro swimmers.

Police Superintendent Barrett was backed up in his statement to Negro leaders by his boss, Commissioner John Russell Young, who is one of three District Commissioners appointed by the President to run Washington, D. C. Young stated that there will be no reluctance on the part of District police to enforce the laws.

RECOGNIZES DUTIES

"I am very familiar with what my duties are," Barrett told a Negro civic group Thursday in the presence of Commissioner Young.

The committee headed by Col. Campbell Johnson, was seeking an official statement of policy.

Colonel Johnson pointed out President Truman's civil rights committments on ending national segregation and he asked the Commissioners to state whether they were going to enforce that policy here.

Colonel Johnson told the Commissioners he has received numerous complaints from Negro members of foreign diplomatic missions who have felt the practices of jim crow in the nation's capital. He said America's policy of preaching democracy abroad while denying it to Negro citizens here was "boomeranging."

MINISTERS LAUD MOVE

A statement by the Interdenominational Ministers Alliance was read in all Washington churches on Sunday, urging orderliness and avoidance of trouble.

The statement, signed by the Rev. J. F. Whitfield, president; the Rev. T. Ewel Hopkins, secretary; Charles C. Beckett, chairman of the fact-finding board, and R. W. Brooks, chairman of the Social Action Committee, urged parents to advise and instruct their children when at the pools to observe the following instructions:

"Be clean in body and lauguage. Do not go in groups or gangs. Do not be belligerent and start arguments or fights. Abide by the rules of the pools. Be good sports and respect the rights of others. Be natural and realize that you are an American citizen and are protected by the law."

Boycott Set Against Kann's

Unit Against Bias in D.C. Begins Plan

WASHINGTON

Kann's Department Store is the object of an economic boycott initiated by the Co-ordinating Committee for the Enforcement of the D.C. Anti-discrimination Laws.

According to Dr. Mary Church Terrell, chairman of the co-ordinating committee, the Committee "has tried every way to convince Kann's to change its present policy of jim-crowing its colored customers to a restricted section of its soda fountain."

The militant civic leader disclosed that Kann's representative has stated in writing that he "cannot for the present change their arrangements."

Served after Complaints

The committee states that "Hecht's, Lansburgh's, Goldenberg's, and Woodward and Lothrop have served our volunteers, although sometimes only after complaints were made to the store manager."

According to the latest tabulation compiled by the Committee, 90 checks have been made in 58 downtown restaurants by volunteers co-operating with the Committee.

Twenty-six restaurants are complying, six are variable and 26 have refused steadfastly to obey the District Commissioners' ruling that the law of 1872 is valid.

According to Mrs. Annie Stein, corresponding secretary of the Committee, many organizations have offered to take one of the restaurants for concentrated effort.

She says that there is still room for more volunteer groups. All clubs interested in participating in this survey should contact Mrs. A. Stein, 1103 Trenton Pl., S.E., or telephone JOhnson 2-6932.

A third report issued by the co-ordinating committee of surveys lists the restaurants, which serve or refuse to serve colored customers. They are:

Restaurants that served committee volunteers: Albany Drug Store, cor. 17th and H, N.W.; Chicken Hut, 427 11th St., N.W.; Executive Pharmacy, 909 Pa. Ave., N.W.; Far East, 519 13th St., N.W.;

Ford's, 710 14th St., N.W.; Grayhound Bus Terminal, 1114 New York Ave., N.W.; International Building Luncheonette, 1319 F St., N.W.; Goldenberg's Dept. Store, 7th and K, N.W.; Ivy Terrace, Conn. and S Sts., N.W.; Little Tavern, 1326 New York Ave.; Mayflower Donut Shop, 1309 F St., N.W.; McCrory's 5 and 10, 826 Seventh St., N.W.; Murphy's 5 and 10, F St. between 12 and 13;

Nedicks, 13th and E; Nedicks, 705 15th St.; Nedicks, 609 14th St., N.W. Potomac Cafeteria, 800 18th St., N.W.; Reeves, F between 12 and 13; States Restaurant, N. Capitol at F. N.W.; Schulte's 14th and F, N.W.; Schulte's 9th and Pa., N.W.; Service Pharmacy, 826 17th St., N.W.; Woodward and Lothrop Tea Shop, 7th floor, 11th and F, N.W.; Woolworth's 5 and 10, 12th and F; Woolworth's 5 and 10, 406 7th St., N.W.; YMCA, 1736 G St., N.W.

Restaurants with fluctuating policy: California Kitchen, 1234 Conn. Ave., N.W.; Ceres Lunch, 1309 E St., N.W.; Hechts Fountain, Seventh and F Sts.; Howard Johnson, 1412 New York Ave.; S. and W. Cafeteria, 15th and G, N.W.

Restaurants that refused service: All States Cafeteria, 514 19th St., N.W.; Barry's Luncheonette, 810 F St., N.W.; Bassin's, 1347 E St., N.W.; Bonat's, 1022 Vt. Ave, N.W.; Blue Bell, 1011 Pa. Ave., N.W.; Chamberlain Cafeteria, 819 15th St., N.W.; Child's, 1423 Pa. Ave.; Child's 600 N. Capitol; Deuville Food Shoppe, 1629 Conn. Ave.; El Mexico, 1356 Conn. Ave.; Hot Shoppe, 1621 H St., N.W.; Hubbard House, 918 14th St., N.W.; Investment Cafeteria, K St., near Statler; Kann's 7th and Pa., N.W.; Kresge's 434 Seventh St., N.W.; Liggett's Drug store, 14th and F, N.W.; Swarts Cafeteria, 522 13th St., N.W.; Mayfair Cafe of all nations, 13 and E, N.W.; Metropole, 1018 14th St., N.W.; Neisners, 12th and G, N.W.; O'Donnell's, 1221 E St., N.W.; Peoples Drug, Thomas Circle; Town House Grill, 920 F St., N.W.; Whelan's Drug, Conn. and M; White Tower, 419 11th St., N.W.

Myers' Ruling Appeal Studied

Compared to Decision in Dred Scott Case

DINING JC UPHELD

Anti-Bias Statutes Held 'Unenforceable'

By Lois Taylor

WASHINGTON

The office of the Corporation Counsel for D.C., was still studying, Wednesday, the possibility of an appeal from Judge Frank H. Myers's decision in Municipal Court upholding discrimination in local restaurants.

It will be up to the Corporation Counsel to make an appeal, if one is undertaken.

Confidence that the Supreme Court would reverse Judge Myers was expressed by lawyers, who compared his ruling to the Dred Scott decision.

Civic leaders also pointed out the effect the decision will have on men being called to fight in Korea and on colored races elsewhere in the world.

"Implication" Repeal Hit

In his decision Judge Myers said that the anti-discrimination statutes of 1872 and 1873 had been repealed by "implication" by the Organic Act of 1878.

Therefore, he upheld Thompson's Restaurant at 725 14th St. N. W., in refusing to serve Mrs. Mary Church Terrell, Mrs. Essie Thompson, and the Rev. Arthur I. Elmes on Feb. 28.

In a test case and on the complaint of the three persons and their attorney, Mrs. Margaret H. Hawthorne, Assistant Corporation Counsel Clark F. King had filed an information against Thompson's Restaurant.

Ponders Case 5 Months

The charged that the restaurant violated the 1872 and 1873 statutes which made it a misdemeanor — punishable by a $100 fine — for restaurant or hotel keepers to "refuse to sell or wait upon any respectable, well-behaved person without regard to race."

Judge Myers took the case under advisement after a hearing on March 31.

The fact that he took so long to render his decision was interpreted by Ex-Judge James A. Cobb to mean that Judge Myers "was simply waiting to find a way out." Stating that he had not read the text of the decision, but calling it "most unfortunate" and "a step backward," Judge Cobb also said:

"The decision is in consonance with the Dred Scott and other decisions of that kind. It is not in line with the present trend of Supreme Court decisions.

Reversal Expected

"Fortunately an appeal can be had, I believe an appeal will be taken and I believe the decision will be reversed."

Others who commented on the decision also said that they had not read the text of Judge Myers's opinion, but found newspaper reports on it disappointing and regrettable.

Mrs. A. Stein, secretary of the Co-ordinating Committee for the Enforcement of the D. C. Anti-Discrimination Statutes, said that the committee will hold a special meeting later on this week to see what can be done in the way of an appeal.

She added that the committee will continue its survey and testing of racial bias in local restaurants.

Leon A. Ransom, well known attorney, stated that he was "bitterly disappointed" at Judge Myers's decision. He called it "a distinct blow to us in our efforts to get real democracy here in the capital."

The decision, Mr. Ransom said, sounded like "a strained interpretation of the law. Repeal by implication is not favored and is the exception rather than the rule," he added.

The Rev. W. H. Jernagin of the Mt. Carmel Baptist Church, one of the original plaintiffs in the Thompson restaurant case, also expressed his disappointment and dissatisfaction with the decision.

"Every intelligent colored person in Washington ought to see to it that the highest court in the land passes on that decision," he declared.

Belford V. Lawson, prominent local lawyer said, "In a time like this, in the capital of the nation the decision is a glaring setback to the forces of democracy in the world."

Leslie Perry, NAACP attorney, declared: "A decision upholding the basest form of jim crow in the nation's capital will do little to help the morale of men being called upon to die and rot in Korea.

"Nor will a decision like this convince the peoples of Asia and Africa that we are really fighting for democracy.

"If we can get this question before the higher court, I am confident that Judge Myers's very disappointing decision will

BELYING FREEDOM FAIR:

Move On to Prevent Opening of All Pools

WASHINGTON

While elaborate plans are being outlined for the Freedom Fair depicting democracy at its best, a band of District diehards are busily seeking ways to perpetuate discrimination in the Nation's Capital.

Latest move in this diabolical plan is to coerce sympathic political figures to push a bill through Congress giving the District Commissioners full control of all recreation facilities in the District of Columbia.

This would include such Federal-owned facilities as the swimming pools also.

Then in turn the District Commissioners, who have expressed feelings toward segregation would permit all recreation facilities, including the swimming pools to be reverted to a segregated basis.

The bill is aimed at smashing a recent ruling by Interior Department Secretary Oscar Chapman that beginning this summer, all swimming pools, Anacostia, Takoma Park, East Potomac Park, Francis, Banneker and McKinley Tech., shall be operated on a non-segregated basis.

The Abernethy subcommittee of the House District Committee was scheduled to begin hearings at 10 a.m., Thursday on legislation which would give the commissioners full control. The bill was introduced by Chairman John L. McMillan, (Dem., S.C.).

Anacostia pool closed last summer after racial disturbance there, would reopen for non-segregated use.

Until last year the six pools were run on a segregated basis, with Banneker and Francis pools used by colored persons and Anacostia, McKinley, Takoma and East Potomac pools restricted to whites. The Interior Department began enforcing its non-segregation policy last summer.

Mr. Chapman said National Capital Parks has been working all winter on plans to enforce the non-segregated policy without disorder. He said the department does not expect trouble this summer.

Segregation At 6 Pools Eliminated

WASHINGTON, D. C. (NNPA)—Six swimming pools operated by the Interior Department will operate on a non-segregated basis this summer, Interior Secretary Oscar Chapman announced on Friday.

It was earlier announced that the Anacostia pool closed last summer after racial disturbance there, would reopen for non-segregated use.

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Ickes Blamed for Nonsegregated Plans

Former Secretary of the Interior Harold Ickes was last week blamed by the Congress Heights Citizens' Association for the non-segregation policy of the department he once headed.

The organization favored the McMillan bill, which would transfer control of the District's playgrounds, parks, and pools from the Interior Department to the District Commissioners.

"We wouldn't be having all this trouble if the District Commissioners had been in control in the first place," said the speaker.

Cafe Test Suit Heard

Validity of Two Old Anti-Bias Laws Issue

WASHINGTON

Judge Frank Myers of the Municipal Court took under advisement last Friday a test suit involving the validity of the anti-discrimination statutes adopted by the District of Columbia Legislative Assembly in 1872 and 1873.

The suit was brought by Mrs. Mary Church Terrell, widow of a municipal court judge; the Rev. Arthur Elmes, pastor of People's Congressional Church; Miss Essie Thompson, member of the United Cafeteria Workers' Union, and David H. Scull, white, of the Society of Friends.

They charged that the defendant Thompson's Restaurant in downtown Washington refused to serve them last Feb. 28 as members of an interracial party of four persons.

Dismissal Asked

Ringgold Hart, counsel for the restaurant, asked dismissal of the suit contending that the statutes under which it was brought are "unconstitutional, unreasonable, and were repealed in effect by subsequent legislation and implication."

The old anti-discrimination laws provide penalties of a $100 fine and a year's suspension of the license of any restaurant, tavern or cafe which refuses to serve "decent, well-behaved citizens of every race."

Prosecutor Says Laws Valid

Clark King, assistant corporation counsel for the District of Columbia, who, after an intensive search of the legal archives, informed the District Commissioners that the statutes are valid, refuted the defense attorney's arguments point by point.

During the three and a half hours hearing, Mr. King cited numerous cases where laws had not been enforced but were still valid. In reply to the defense contention that the laws are unreasonable, the corporation counsel argued:

"What is unreasonable about a bill that makes it possible for colored people to eat?

"Is it reasonable to expect our colored lawyers to have to go way up on You St., or over to Union Station, or to the National Airport for a noon meal?

Federal Pattern Set

"It seems to me that the very concept of our constitution is that there be no discrimination on the basis of race, creed or color.

"The Federal Government has set down a pattern for anti-discrimination in inter-state travel and in the restaurants."

Judge Ponders Right

Judge Myer will probably have to determine, according to his line of questioning Prosecutor King, whether or not a municipal judge has the right to revoke a license under the recent revision of the authority and jurisdiction of the Municipal Court.

He pointed out that a municipal court jurist has only the power to fine and imprison. However, the law of 1872 provides specifically for a $100 fine and suspension of a license for one violation.

Judge Myers allowed the briefs of the Washington Bar Association, the Co-ordinating Committee for the Enforcement of the Anti-Discrimination Laws, the NAACP, the Unitarian Fellowship for Social Justice, the National Lawyers Guild, and other religious and civic groups as friends of the court.

Say Rent Hike Aimed To Kill D. C. Theatre

NEW YORK — The New York Times reported Sunday that officials of the American National Theater and Academy believed that the rent boost from $20,000 annually to $94,000 for the first year in a proposed lease for the Belasco Theater, which ANTA wishes to open in Washington on a non-segregation basis, was due to the discriminatory views of officials of the general service administration, a federal agency.

The Times said "among ANTA officials there is a conviction that the unanticipated boost of charges is merely a subterfuge. The cause of the impasse they contend, is inflexible opposition on the part of influential government officials to the idea of non-segregation."

Meanwhile the Circle Operating on a 20-week lease is providing legitimate theatrical productions to non-segregated audiences.

14 Washington Restaurants Have Dropped Color Bar

WASHINGTON (ANP) — While the Municipal Court Judge Frank H. Myers is trying to decide whether the D. C. anti-discrimination law of 1872 is valid, the Washington restaurants are quietly dropping their color bar.

A one-day survey of 23 downtown restaurants made last Saturday by the Coordinating Committee for the Enforcement of this law, revealed that 14 have opened their doors to Negro patrons.

The survey was conducted without incident by 35 Negro and white volunteers, cooperating with the committee. Of the nine restaurants refusing to comply with the 1872 law, only two said they were aware of the law and were adamant in their policy of segregation. Managers of the two Childs' Restaurants said their chain has no discrimination policy, but placed the blame on the waitresses who refused to serve them. The other five were waiting for the test case to be settled. Childs in New York and Chicago discriminated until they were forced to stop by suits.

Arguments on the test case were held before Judge Myers a week earlier. The case originated on Feb. 28 when a party of four, three of whom were Negroes, were refused service at the Thompson restaurant. Thompson was charged with violating the long lost law of 187[illegible] and the case was carried to Municipal court for a decision.

CLAIMS INTERFERENCE

In this hearing Ringgold Hart counsel for Thompson's Restaurant claimed that such a law was "unconstitutional and unreasonable." He said it interfered with the property rights of restaurants and attempted to upset a pattern of segregation in force in schools and playgrounds and pools here.

Serving as chief prosecutor, the asst. corp. counsel, Clark F. King exploded at the mention of "unreasonable." He asked if it was not unreasonable to expect Negro lawyers to travel to Union station or the National Airport for lunch if they were hearing cases in the court down town.

He pointed out that Negroes have been riding on public street cars for years without difficulty. He said the American government is based on the concept of "no discrimination on the basis of race, color or religion" and "Christianity is based on that too."

The decision on this case has not yet been made by Judge Myers.

Swimming Pools

Secretary Chapman has taken an arbitrary stand, in our opinion, by insisting that the six swimming pools under control of the Interior Department be operated on a non-segregated basis. If Mr. Chapman clings to this decision, the department will undoubtedly have to operate the pools itself, for the subcommittee of the District Recreation Board which has been negotiating with Interior is determined not to accept responsibility for operation of the pools on this basis. In other words, Interior will place itself in the position of imposing a policy upon the local community contrary to the better judgment of the local officials in charge of recreation policy and, we suspect, of a great majority of the people of the District.

Last year the Recreation Board announced a policy of gradual abandonment of segregation. We applauded this at the time as "a discreet and statesmanlike compromise." There is good reason to believe that the board intends to carry out this policy, but it cannot reasonably be asked suddenly to wipe out segregation at the point where joint use of facilities meets the greatest resistance. At the conference last week with Interior officials, Chairman Wender of the Recreation Board offered to operate McKinley pool for both white and Negro swimmers, with three other pools reserved for white persons and two for colored. That is a sensible compromise which demonstrates the sincerity of the board's announced policy and reduces to a minimum the risk of a recurrence of riots such as those which resulted in the closing of the Anacostia pool last summer.

The Interior Department could not keep the pools closed all summer without producing a justified explosion in the community. Nor could it operate all of them on a non-segregated basis without provoking new racial tension and risking worse disorders than occurred last year. The department has done its duty in laying down the general principle of nonsegregation, and it can continue to make its influence felt by requiring a gradual approach to that objective. But it cannot take an adamant and extreme stand without injuring the cause that it seeks to promote. Better race relations are not fostered by dictation in such matters to local committees, nor by the sudden enforcement of rules that are certain to incite interracial animosities. In the absence of agreement, the best thing the department can do is to turn the pools over to the board for operation in accord with its more realistic policy.

Discrimination Reported Dropped In 14 Restaurants

Fourteen of 23 downtown restaurants recently surveyed have opened their doors to Negro patrons, the Coordinating Committee for the Enforcement of the D. C. Anti-Discrimination Laws announced yesterday.

The survey was conducted without incident by 85 volunteers, cooperating with the committee.

A test case to determine the validity of an 1872 statute is now before Municipal Court Judge Frank H. Myers.

Non-Segregated Swimming Approved By Harold Ickes

WASHINGTON, D. C.—(NNPA) — Former Secretary of the Interior Harold L. Ickes last Thursday entered the controversy over non-segregated swimming pools in the District of Columbia.

He supported the decision of Interior Secretary Oscar Chapman that six swimming pools on federal land in the District of Columbia would be turned over to the District of Columbia Recreation Board for operation only on condition that they be run on a non-segregated basis.

"I believe that Secretary Chapman has done what a decent regard to a large minority group calls for," said Mr. Ickes.

The former Interior Secretary pointed out that he had inaugurated the "gradual approach" to nonsegregation in playgrounds and parks here as soon as he could get around to it.

"After an effort covering some seventeen years to make certain white groups in Washington (including the estimable ladies of the DAR) recognize the rights of fellow citizens, it would seem to me that enough has been done by way of 'gradual approach,' and that the federal government should refuse further to temorize, as did Mr. Chapman's immediate predecessor (Julius A. Krug), with the ugly policy of segregated use of facilities built and maintained at public expense to which Negroes contribute their equitable share," said Mr. Ickes.

Their Smiles Turned Sour in The Nation's Capital

The smiles of Horace Heidt, Jesse Owens and O. P. McConnas, left to right, soon disappeared after they arrived in the Nation's Capital last Sunday because the city's Jim-Crow policy forced young Owens to separate from the rest of the Heidt troupe when they went for hotel accommodations at the Wardman Park Hotel. This was the first time discrimination had reared it ugly head in the ten weeks the handsome ...g baritone had been with the Heidt troup which was headed overseas to promote America's democratic message to Western Europe.

Equal Rights Statutes

The ruling by Municipal Court Judge Frank H. Myers that the "lost" anti-discrimination statutes of 1872 and 1873 "have both been repealed by implication" is a setback to the cause of equal rights that should occasion neither surprise nor dismay. It is to be hoped that the corporation counsel's office will succeed in taking an appeal to a superior court. It is doubtful, however, that Judge Myers' decision will be reversed, since there is a good deal of law and logic to support it. Even if these antiquated statutes were held to be currently valid, moreover, it is not certain—since they contain some clauses that are obviously out of date—that they would afford the best means of assuring the equality of treatment in places of public accommodation that indubitably ought to be observed in the capital of the United States.

There are two ways in which the pattern of racial discrimination can be altered in Washington. One way is through congressional enactment—or enactment by the municipal council when home rule is achieved—of a contemporary civil rights statute forbidding any establishment serving the general public to "refuse to sell or wait upon any respectable, well-behaved person without regard to race, color or previous condition of servitude." The other and more desirable way is to accelerate the present trend toward voluntary acceptance of this standard. When equal treatment has been practiced in Washington in Government restaurants, in public transportation, in sports arenas, in theaters, in stores, it has operated without friction, embarrassment or difficulty of any kind. The flouting of democratic principles that continues to mar the reputation of this National Capital presents a challenge to community leadership. If the civil rights statutes of 80 years ago are outmoded, so are the ugly conditions which those statutes were intended to erase.

The South in Struggle

Trends in Florida Show Southern Whites Joining Fight Against Jimcrow System

By George Nelson
Chairman, Communist Party of Florida

THE CURRENT CAMPAIGN to register 250,000 Negro voters in Florida is receiving support from many sections of the organized labor movement, as well as from civic and community organizations. Cigar workers in Tampa's Latin communities are actively supporting this campaign. The AFL Labor's Political Educational League has been meeting with Negro leaders to work out a real mass campaign to register Negro voters.

In a recent poll held on the campus of the University of Florida in Gainesville, white students voted by a wide majority of 381 to 267 for the admission of Negro students to this Jimcrow school. It is highly significant that this was the university that was selected by the Dixiecrats for an all Southern conference of Governors to lay plans for a Jimcrow regional educational school program.

Another outstanding fact is the fight against Jimcrow and segregation developed recently in Miami. Students at the University of Miami, through their organization, the Phi Sigma Delta Fraternity, condemned and repudiated the action of the delegate to the national convention of their fraternity, where he voted to refuse membership to Negroes. The Phi Sigma Delta Fraternity declared it would not deny membership to any undergraduate "solely because of his race, color, or creed."

Recently, five Negro students, after being denied admission to enter the University of Florida, filed a law suit against the state board of control of the university. Their case has been held up before the State Supreme Court for some time.

★

A BROAD CAMPAIGN has developed, especially among white workers and students against the Jimcrow and segregation policy of the white supremacists. It was at this university that the original plans of the Southern governors and their "educators" to develop the Jimcrow regional educational school plan had to be cancelled because of widespread protest by the student-body. At this same university students voted 381 to 267 to allow Negro students the right to enter on an equal basis.

As a result of the widespread protest against these un-American practices, the university's board of control has now devised a new scheme to keep Negro students from entering the University of Florida on an equal basis. They state that Negro students can now be "admitted" on a temporary basis, provided they enroll first as students at the Florida A. and M. College (for Negroes). Then they can be sent to "white" universities until the state can provide equal educational facilities at the Negro school. Now the catch is this: Florida has strict racial segregation laws and the white supremacists make it clear they will be strictly observed.

As a result of this "new" policy, the attorney for the five Negro students, Mr. Ackerman, Jr., of Orlando, has filed a motion for an immediate writ to admit the Negro students directly to the University of Florida. This no doubt will throw the case back to the State Supreme Court, where action again will be delayed, unless continued united action by all progressive forces in Florida will force immediate, positive action.

The Communist Party of Florida calls upon the trade union movement, churches, and all progressive forces to unite actively towards the ending of Jimcrow and segregation. The Dixiecrats and their hatchet-men in the KKK can and will be defeated.

Court Asked To Admit Whites To Negro Hall

DAYTONA BEACH, Fla.—The recent city commission ruling that whites will be barred from the newly-built Cypress st., recreation center, is being appealed to the Federal District Court at Jacksonville.

The Negro civic organizations here have filed a mandamus suit in the federal court, which asks the court to force the center to admit whites or to show cause why the whites cannot be admitted.

"Separate But Equal"

This Cypress st. center was built when Negroes protested because they were not permitted to use the Peabody auditorium here. This was done to enforce the "separate but equal" policy, but the center is valued at $50,000 while the auditorium is worth $750,000.

If the federal court rules the admission of whites to the center, it will follow that Negroes will have to be admitted to the auditorium.

In the petition which the city commission refused the civic organizations asked "that every facility provided by public funds should be made available to all citizens, regardless of color or race."

The petition stated that the whites have as much right to the use of the center as the Negroes themselves.

Racial Suit For $100,000 Filed Against City

MIAMI, Fla. — A suit asking $100,000 damages has been filed by a group of colored residents against the City of West Palm Beach and its ranking city officials charging racial discrimination.

The suit is aimed principally at recreational facilities, which the complainants say are not provided on an equal basis. It also alleges Negroes are not given fair tests to become plumbers.

The action was filed in the Federal District Court here by O. W. Williams, white attorney for the plaintiffs.

A previous suit was filed by a group of West Palm Beach Negroes alleging Palm Beach County schools discriminated against Negroes by not providing adequate facilities.

The city of West Palm Beach, the mayor, city manager, city commissioners, city planning board, parks and recreational commission, city golf commission and plumbers' examining board are named as defendants.

Plaintiffs are Dr. W. Collie, dentist; Ernest Gibson, a minor who sues through his father, Livingston Gibson, also a plaintiff, and Herbert Wishenant, a plumber, all of West Palm Beach.

The suit seeks an injunction to stop use of public funds for civic improvements that don't give Negroes equal benefits.

Second Suit Is Filed

By JOHN A. DIAZ

MIAMI, Fla. — West Palm Beach and many of its city officials have been named defendants in a $100,000 damage suit filed in Federal Court here by several West Palm Beach Negroes, who have charged gross racial discrimination in recreational facilities in West Palm Beach. The suit added to the increasing woes of West Palm Beach officials.

Another group, a few days ago, had filed an almost similar suit charging discrimination against Negroes in school facilities.

AIMED AT RECREATION

This latest legal development by the vigilant West Palm Beach leaders is aimed principally at recreational facilities which are not provided for Negroes on an equal basis with the whites. The suit also charges that Negroes are not given fair tests to become plumbers.

The attorney in both suits is O. W. Miller, white, who has in the past signified his intention to seek civil liberty for West Palm Beach Negroes.

Defendants in last week's suit are the city, Mayor, city manager, city commissioners, City Planning Board, Parks and Recreation Commission, City Golf Commission and the Plumbers' Examining Board.

In addition to the damages, an injunction is asked to stop use of public tax funds for civic improvements that don't give Negroes equal benefits.

THREE PLAINTIFFS

The plaintiffs are Dr. W. M. Collie, dentist; Ernest Gibson, a minor who sues through his father, Livingston Gibson, also a plaintiff, and Herbert Whisenant, plumber, all of West Palm Beach.

They contend that property taxes paid by Negroes are used for civic improvements "in favor of white people."

The various city officials and agencies are charged with "a long-time discrimination against Negroes by denying them equal facilities such as shuffle boards, tennis courts, athletic fields, tables, benches and checker boards, and not letting them participate in such events as boxing and fishing contests.

ONLY ONE "PARK"

Negroes, the plaintiffs say, have only one park—Roosevelt—a four and a half acre plot, only half of which is cleared for use, that is "improvised, ill-fitted and slipshod" with "scanty facilities." It is called "small, uncomfortable and inconvenient."

Negroes aren't allowed to play golf on the municipal links, and twenty to twenty-five of them come to Miami every week to use a course.

The charges of discrimination extend to the maintenance of services in the Negro residential district.

It is claimed that the city fails to "provide, maintain or support and operate sidewalks, curbs, paved or hard-surface streets, fair trash and garbage collections, street markers, lights and traffic lights" in the Negro sections, while public tax money is spent in the white residential districts.

The Plumbers Examining Board is accused of not giving "fair and reasonable" examinations to Negroes wishing to practice that trade.

The twenty-page suit asks for equal facilities for Negroes in everything from lawn bowling greens and public bingo games to Dutch ovens and field houses with hot and cold showers.

The Florida State Constitution and the Fifth and Fourteenth Amendments to the United States Constitution are cited.

— "FORTIETH IN '50" —

Florida Negroes Sue City for Bias

By the Associated Press.

MIAMI, Feb. 25.—A group of Negroes has filed a suit against West Palm Beach and its top city officials charging racial discrimination. The suit asks $100,000 damages.

The suit concerns recreational facilities, which the Negroes say are not provided on an equitable basis. It also alleges Negroes are not given fair tests to become plumbers.

Four Cities Battlegrounds

Civil Rights Cases Jam Florida Courts

By JOHN A. DIAZ

MIAMI—A rash of constitutional rights court battles is spreading over Florida as evidenced by four cities in which Negroes are seeking redress through litigation.

In one of the most unusual cases of constitutional rights ever heard in the Supreme Court of Florida, last week attorneys for a Miami golfer argued to have Negroes' rights to play golf on municipally owned courts any day in the week upheld.

Whether one day a week use of Miami's tax-supported golf course gives them equal facilities, was the argument between counsel for Joseph Rice and the city attorney of Miami. After hearing the arguments of both sides the court deferred decision.

PRINCIPLE SETTLED

Attys. G. E. Graves Jr. and John D. Johnson, representing Rice, based their arguments upon well settled principles of constitutional law.

Attorneys did not contend that segregation per se was unconstitutional, but merely challenged the legality of the rule of segregation which Miami's manager of the municipal golf course had prescribed. In making this challenge, counsel for Rice cited all of the cases in support of their position which counsel for the city had cited in his brief.

In answer to the city's argument that there is such a small number of Negroes who use the course that one day of each week is a sufficient amount of time, attorneys for Rice cited several decisions of the Supreme Court of the United States.

CASES CITED

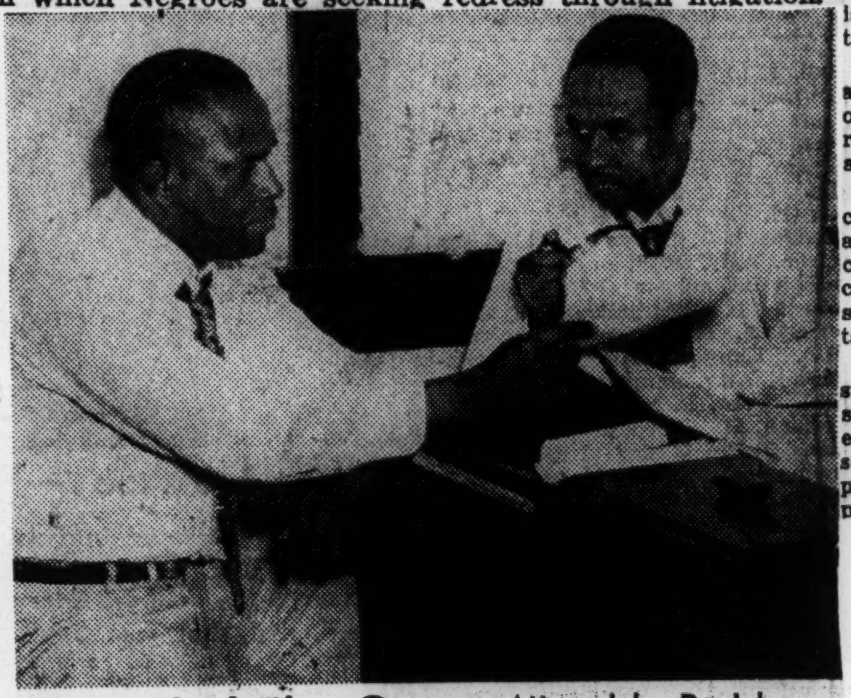
Among these were the Gaines' case, and the case of Macabe against the Atchison, Topeka and the Santa Fe Railroads, in which it was held that constitutional rights are personal rights and that so long as one person seeks to use similar provisions made for others, and not provided for their use, that he may justly complain that there is a denial of equal protection of the laws.

This argument was not answered by counsel for the city of Miami.

Negroes of Palm Beach County sued the County school system last week accusing it of racial discrimination and failure to provide school facilities equal to those of whites.

DAMAGES ASKED

The accusations were contained in a $100,000 damage suit filed in Federal Court by three West Palm Beach parents and their five school-age children.



Appealed Fla. Case—Attys. John D. Johnson, left, and G. E. Graves Jr., right, of Miami, last week appeared before the Florida Supreme Court to argue an appeal from the decision of a Miami court that held there was no deprivation or equal protection under the law when Miami Negroes are restricted to playing on the municipally owned golf course on Mondays only.—Diaz Photo.

The action alleges violation of both the State and Federal Constitutions.

The court is asked to order the board of public instruction to provide "Negro school children with equal construction, equipment, facilities and standards" as provided for whites.

Named with the board as defendants are each of its five members; three trustees of Special School District 1; John W. Turrentine, L. L. Shirley and Roy E. Michaels, and Howell L. Watkins, superintendent of public instruction of Palm Beach County.

INADEQUACIES LISTED

Members of the school board are George W. Slaton, chairman, and Ralph Kettler, Carmen Salvatore, Ruth Wedgeworth and Elizabeth Hand.

The suit was filed by Cornelius Richardson Sr., father of Cornelius Jr.; Larcina and Walter Richardson; Mrs. Agnes Williams, mother of Aletha Sutton and A. T. Gavin Sr., father of A. T. Gavin Jr.

The suit alleges that in Palm Beach County:

White schools are attractive, large, and have school playgrounds, while Negro schools are "too small unattractive, overcrowded, uncomfortable and inconvenient" and require "double school sessions daily."

POOR TEXT BOOKS

Whites are offered transportation "in modern buses," but Negro children are provided with buses "so antiquated and outmoded and in poor repair."

Negroes are not provided with school lunches and vocational and occupational training offered to whites and free textbooks for Negroes are "too much abused and in too poor condition for use."

The parents also allege that their rights under the Fourteenth Amendment to the constitution are being violated because Negroes are being "wilfully and unlawfully discriminated against" by the defendants.

By reason of these alleged acts, they contend they have been damaged and seek $100,000 compensation. Attorney for the parents is O. S. Miller of West Palm Beach.

ORLANDONS SUE

In Orlando a suit was filed challenging the right of city election authorities to deny Negroes the privilege of voting in the municipal primary.

The suit was brought by four residents and named as defendants, Mayor William Beardall, Ed McDowell, city clerk, and Barney Cohen and Charles Stuckie, election judges.

The complainants claimed that they were denied the right to register and later were not allowed to vote in the primaries Oct. 6, 1949.

The suit asked the court to issue a permanent injunction restraining officials from denying Negroes the right to vote and also asked damages of $15,000.

Jaxons last week requested the city commission that Negroes be allowed to use one or both of the city-owned and operated golf courses and announced intention to sue for the right to play on the tax-supported facility.

All of these cases involving constitutional rights in Florida have stemmed from the progressive leadership of Florida Negroes who are seeking equal facilities in places of public accommodations, and in places supported by public funds.

The Deep South Speaks—

By Robert Durr State Press.

NEGRO JOBS—WHITE JOBS Fri 4-14-50

During the 1933 depression a large modern office building in a Deep South State had its grand opening. Its six push button elevators were maned by light skinned Negro boys.

Presently some poor whites seeing the elevator operators did not have to pull the door open or shut, that the whole operation was a push button affair, informed the building superintendent that their wives and children were hungry and that they wanted him to fire the Negro operators and put them on.

The superintendent told them he could not do that because there are certain jobs for whites and certain jobs for blacks in the South—that such jobs as elevator operators, mop swingers, spit tomb cleaners and general flunking were Negro jobs—that he didn't think Negroes should clamor for other types of jobs and whites should always remember if they took Negro jobs it would be like the old saying, "Birds who flock together get the same feathers." His reason for not wanting to fire the Negro boys and employ whites was because he knew the whites would soon form a union, clamor for more and more pay, better working conditions and bargaining rights or freeze the elevator service, but the Negro could be sold on the idea that he did not need a union, because he would always come to the boss and tell him what he wanted and of course the boss could fire him for doing so or on some other excuse if he elected to do so. And that if he lent the Negro small sums of money he could even keep him from thinking about what organized workers think and learn about. So he kept the Negroes on the job, his precedent was followed by other building managers and today he has about two third of the office buildings in that city under his management with one Negro bringing complaints from the others to him.

This Negro spokesman is quite a fellow. He is an expert begger. He doesn't mind letting his tears lap under his chin some times as he pleads for some of his fellow workers. It works too. His employer thinks this pleader is a good leader of his people. This Negro agrees with his employer as a means to an end that there are Negro jobs and white jobs.

If you will note, that same theme runs almost all the way through the movies, what with our Rochesters, Aunt Jemimas and what have you glamorizing the flunkey type of jobs where amid the white man's condescending kidness, he always calls his Negro by his first name and his Negro always calls him Mr. or Boss, which means that millions and millions are unconsciously sold on the idea that "all coons are alike"—born to either be the white man's slave or his servant.

There is nothing wrong with being a flunkey so long as the cause of progress is not arrested or retarded thereby. There is such a thing as doing the ordinary thing in an extra ordinary way, but the Negro must ever be aware that there is a terrific effort going on in thousands of ways to sell him on the idea that certain things in life are for whites exclusively with the Negro taking what's left.

To show you how a lot of unenlightened whites feel on this score, let me relate the gist of a conversation between a Negro policeman and a white policeman in a Deep South city: the white policemen too had the idea that Negroes shauld "stay in their places" and whites in theirs so he says to the Negro officer, "You don't want to some to my dances. I wouldn't like it if I saw a Negro dancing with a white girl to the tune of "Let me Call You Sweetheart." And you would not like to see me dancing with a colored girl to the same tune." He continued by pointing to the 1950 Lincoln automobile the Negro officer owned and saying, "Now that's a white man's car A Negro should never ride in anything but a Ford." Later, as the two came down from the tenth floor of a Negro nurses' home and entered the lobby a beautiful nurse came along eating some chocolates. The white officer reached and got himself one and began mincing it. When he had seen this beautiful colored girl he forgot all about "staying in his place."

It is reported that a top flight Negro reporter who resides in a Northern state where civil rights are written into the constitution made a tour through the South, went back home, wrote an article pointing out how wonderfully the Negro is getting on in the South, how much better off they are in the South as political and economic slaves. The white press of the South glorified this "great" Northern Negro citizen who made bold to tell the world that by staying in his place the Negro in the South had made wonderful progress.

This "smart" writer came South, it is alleged, and put the bite on the whites who love to be fooled by professional racist slickers. Reports have it that he was suddenly able to sport a Packard and eat those two inch steaks fried in butter. And then after picking the smaller white fry he is said to have approached the biggest industrialist in town and told him he would write continuously what they wanted—the same type of stuff he had been writing for $50,000. Some investigating followed and it is reported he had been formerly connected with the Reds and was gyping the "good white folk" who had instituted economic sanctions against the regular local Negro press because of its refusal to advocate one way of life for whites and another for blacks and their all out fight for first class citizenship and eradication of segregation based on race.

The gyper has gone back North—well heeled.

Race Bias Declared Dixie Peril

Constitution

By THE ASSOCIATED PRESS

A white Southerner who advocates better race relations predicted "grave danger" for the South unless the Negro is allowed equal citizenship with the white race.

The warning from Executive Director George S. Mitchell, of the Southern Regional Council, came in an address to the graduating class at Tuskegee Institute at Tuskegee, Ala., yesterday.

The Regional Council is a private bi-racial organization, devoted to improvement of racial relations.

"Equal citizenship," Mitchell said, is the logical followup to recent advances in Negro education, housing, health, farming and other economic gains.

And equality as a citizen, he added, means the "unimpeded" right to vote, the right to hold public office, a fair share of working opportunities, or, in short, "political acceptance, a full and respected citizenship."

"If we much longer delay this change, we court a grave danger," the Virginia-born economist cautioned. "Already it is current doctrine among many Negroes in the South that the gains they have made have been made by their own efforts alone . . . and that the white South is the enemy which fought these gains step by step."

The council director said Negroes have their responsibility, too. He urged the graduating class of the famed Negro school to "try at all times to remember that very many Southern white people deeply believe in fairness and wish to work with you."

Mixed Colleges

I'm so weary of reading about local race prejudice and discrimination! Why can't the Negro realize that prejudice is here to stay. But if he must go to a mixed college why not let the trashy college alone and go to Yale, Harvard, Columbia or Dartmouth where he is admitted if not welcomed? MERTON CURTISS.

Washington.

...stice Only

The Editors: Mrs. Edith Hall, of Fairburn, ...ems possibly to be as deluded as she appears, the only thing 99 out of every 100 Negroes think ...hite people should always be giving them is justice. As for Negro tax money, there is no such thing. People are taxed according to income and ownership and not color for the support of the city, state and government. Each individual is entitled to certain rights and privileges as citizen of his native city, state and this country. Mrs. Hall, all the Negroes want are these rights and privileges.

Too, Mrs. Hall, if your ancestors ever owned slaves, the Negroes worked for not only what they have, but for what you have. On this assumption, you and others like you, instead of being irked over the Negroes fussing about "equal this and equal that," should lend your support to see that they get it.

Fort Valley. HELEN FEATHERSTONE.

Up From Slavery

The Editors: In response to the letter of Mrs. Edith Hall concerning "Negro taxes," I wish to ask of her a small bit of fairness and consideration.

Does Mrs. Hall know that the ancestors of the present generation of Negroes were snatched from their native Africa and served for over 300 years as slaves without a payday here in America? Does she realize that in the less than 100 years of freedom from slavery they have fought through every type of humiliating situation to obtain for themselves those liberties guaranteed by the Constitution of the United States?

And if they have fallen short on anything it is due to their handicapped condition as human beings. Their forebears have toiled, bled and died for anything that may be lacking in their understanding and assumption of their natural responsibilities now.

Macon. DOROTHY F. THOMPSON.

'Doesn't She Know?'

The Editors: Shush to Mrs. Edith Hall in her letter to the Oct. 2 Pulse of the Public. Doesn't she know that any talk about the taxes that Negroes pay points up their lower standard of living, which in turn points out their relegation to certain jobs, most of them in the low-paying bracket? She'll have the smart-aleckies among them clamoring for employment in city, county and state governmental agencies, in the big public utilities of the South, the factories and the big department stores.

As for Negroes working as hard as the white man does, that's good for a laugh any day. Work is something the Negro knows most intimately. This—in spite of the fact that slave labor went out long ago. JEWELL L. GRESHAM.

Tuskegee, Ala.

Report From The Capitals

(This is the third in a series of articles pointing out what the various state capitals are doing to wipe out racial and religious discrimination. This series was prepared by Bethune Jones of Red Bank, N. J.)

PUBLIC ACCOMMODATIONS

Significant provisions for prevention of racial and religious discrimination in hotels, restaurants and other places of public accommodation was made in a bill enacted in Massachusetts changing the name of the State Fair Employment Practices Commission to the State Commission Against Discrimination and broadening its powers.

A referendum will be held in November in Portland, Ore., on a city ordinance outlawing racial and religious discrimination in hotels, restaurants and other public and semi-public places. The ordinance, which was adopted in March, but prevented from going into effect by the referendum petitions, would set up stiff penalties for violation.

Wisconsin, Illinois and Minnesota have been cooperating in an administrative drive under existing laws to curb discrimination in summer resorts.

After being involved in anti-discrimination litigation in Illinois, New York, Ohio and Wisconsin, and threatened with similar suits in Michigan and Minnesota, the American Bowling Congress in May abandoned its thirty-four-year-old rule restricting membership to white males.

Maryland's Legislature this year defeated a bill to repeal the state's "jim crow" law. Although the measure will soon have no further application because of the absence of affected intra-state transportation carriers, its repeal was sought as a matter of principle.

A bill to abolish racial segregation in common carriers also was rejected by the Virginia Legislature.

Although applying only to interstate transportation, the U. S. Supreme Court's recent decision outlawing dining car segregation is expected to make enforcement of intrastate "jim crow" regulations increasingly difficult, if not virtually impracticable.

* * *

INSURANCE

New York State's Joint Legislative Committee on Insurance announced during the 1950 legislative session it would make an interim study of charges of discrimination made against insurance companies.

Charges that insurance companies are discriminating against residents of Harlem with respect to automobile and fire insurance were made by New York State Democratic legislators in unsuccessfully proposing a special legislative inquiry. The issue is expected to be revived again next year.

* * *

NATIONAL GUARD

Governor Williams early this year ordered the Michigan National Guard to prepare regulations prohibiting discrimination against anyone because of race, color or creed.

Similar executive action was taken in late May by Governor Langlie to abolish racial segregation in the Washington State National Guard.

The anti-segregation moves taken in Michigan and Washington are in line with such steps made earlier by a number of other states.

* * *

VOTING RIGHTS

A new election law intended to reduce Negro participation in the Democratic primaries in South Carolina was enacted by the State Legislature.

The new South Carolina act establishes literacy or property qualifications for both white and Negro voters, and requires that persons must be registered to participate in primaries in general elections.

The South Carolina literaracy requirement provides that voters must be able to "both read and write" any section of the 1895 state constitution submitted to them by registration officials. Literacy is not required if they can show they own and have paid all taxes collected during the previous year on property in the state assessed at $300 or more. Voting rights are denied to persons who have been convicted of any of a list of crimes.

* * *

In the recent South Carolina Democratic primary election, a Negro was a candidate for an office of more than county-wide scope for the first time in seventy-four years. A. J. Clement Jr. unsuccessfully sought the Congressional nomination in the First District.

Georgia's Legislature enacted a bill postponing until April, 1952, the effective date of the state's 1949 re-registration act which was aimed at reducing Negro voting.

Proposals for repeal of Virginia's poll tax as a prerequisite to voting failed to get through the State Legislature.

Federal Court Judge Thomas C. Trimble ordered the name of a Negro clergyman, the Rev. J. H. Gatlin, to be placed on the forthcoming Democratic primary ballot in Little Rock, Ark., as a candidate for city alderman.

Gatlin had filed suit in Federal Court, charging he had been excluded from the ballot by the Democratic Committee because of his race. The Democratic State Committee had declined to alter party rules which limit candidacy to white voters, and decided to leave the issue to the Democratic State Convention for action. A court test was then instituted by the NAACP.

In his opinion ordering Gatlin's name on the July 25 ballot, Judge Trimble said there was no known Federal or U. S. Supreme Court decision dealing directly with the right of a citizen to be a party candidate in a primary election.

"There are many cases," Judge Trimble added, "which have been decided on the question of the right to vote at such elections, and, by analogy, they furnish a basis for the decision in this case."

(Concluded next week)

DUBOIS' RADIO BROADCAST IN SENATE RACE GIVES DARK STORY OF NEGRO LIFE IN UNITED STATES

Says Freedom, Liberty and Justice Should Begin at Home and Spread Abroad

RECALLS MISCARRIAGE OF JUSTICE IN COURTS

FRIENDS:

One of the anomalies of this present crisis in our nation is that after we have loudly accused other nations of slavery, repression, totalitarian government and lack of democracy, we then turn around and apparently seek to outdo the world in every sort of repression and tyrrany. Today it is no exaggeration to say that the United States stands in grave danger of becoming a slave state. The proof of this is clear in our loss of personal liberty, our wide attempt to control thought; our systematic secret spy system, our jailing of citizens not for their beliefs; our police tyrrany and third degree system; the open injustice in our courts, the frequent refusal in government procedure to let witnesses face the accused or let the accused know the charges against them; the systematic discrimination practiced against racial and national minorities; our hounding of the foreign born and our deliberate taxation of the poor and exemption of the rich. These things naturally do not happen to everybody all the time; but the fact that they can happen to anybody, any time, and the growing frequency of such occurrences proves the frightening tendencies in this reputed land of the free.

For instance, nobody believed that it was wrong to raise funds for the relief of the Spanish victims of the fascist, Franco. Yet men are in jail today not for giving such funds, but for refusing to tell who did give, to protect the givers from reprisals by Franco. It is not unlawful for a citizen to refuse to make public his private beliefs. The Bill of Rights was written into the Constitution to protect the right to refuse. Yet today men are in jail for such refusal. Government employees are losing their jobs today, without being faced by their accusers or informed of the evidence against them, and not for what they do or believe, but for what they are accused of having believed in the past. As Supreme Court Justice Frankfurter commented the other day, the only person who has access to the evidence against these government workers is the man who has power to chop off their heads. Citizens are being blacklisted not for their own beliefs, but for what their friends or associates believe.

I saw yesterday a clean cut young American teacher, who had gone abroad legally to read scientific papers at a students' congress in Prague and a history congress at Amsterdam. At the instigation of our State Department, he was arrested in Holland without accusation, jailed without trail, denied the right to see his wife or consult his lawyer, deprived of his passport, refused the right to study the life of Isaac Newton on a scholarship in England and forcibly sent home. The treatment and threatening and harassing of the foreign born today all over the nation is a disgrace to a civilized nation. You may not agree with Communists, but even the United States government has never accused communist leaders in the United States of any act or even threat of force or violence to accomplish their objectives. Yet they are today sentenced to long terms in jail, not for what they have done, but solely for what they are said to believe. The FBI's paid array of spies and traitors and informers covers the nation. And in the face of all this, Senator Lehman blandly tells us, "Our government and our nation are looked to by all the freedom-loving world as the hope of all mankind against tyranny and darkness!"

The open, crass and deliberate miscmarriage of justice in our courts is growing in frequency; six Negro boys in New Jersey are held in prison without trial on the order of a judge who seeks to force their choice of lawyers; a black man in Mississippi is in jail on the word of a white woman who says she was attacked while her husband was in the next room, but who made no outcry; who further says she could not see her assailant in the dark and yet identified this man as the criminal.

A black woman in Georgia is in jail for life because her teen-age son shot the man man who was beating her with the man's own gun. The Truman administration says it can do nothing in these cases, but it can raise the roof in the case of a Cardinal in Jugoslavia or confessed spies and saboteurs in Hungary, Poland and Bulgaria.

Herbert Lehman and Joe Hanley repeatedly profess their devotion to the cause of civil rights to the Negro people. But neither of them has raised his voice against the unjust death sentence passed by an all-white court martial against Leon Gilbert, a Negro lieutenant in Korea.

We refuse to let Pablo Picasso, the greatest living painter in the world, and that venerable British churchman, the Dean of Canterbury, step on our shores to beg for peace. But the State Department announces that fascists from Franco Spain and Peron Argentina will continue to be welcomed to our shores. And Senator Lehman greets General Anders and stands besides him in public tribute, although Anders is a notorious anti-Semite, a reactionary and a fascist, who has made trouble in England, Italy, Palestine and Iran, only to be welcomed and feted in the United States.

Parole is denied to Carl Marzani, World War II veteran with a brilliant record of service in Italy, who was sent to prison by a four-to-four Supreme Court decision convicting him of denying he was a Communist. But the U. S. High Commissioner in Germany pardons Baron Ernst van Weisaecker, Hitler's ambassador to the Vatican who was convicted of deporting Jews for slave labor in Poland. And neither Herbert Lehman nor Joe Hanley protests this release of a Nazi butcher, whose first act—on regaining his liberty—was to kneel in adoration at the graves of Hermann Goering and other Nazi war criminals.

What is the reason for the crushing of liberty, miscarriage of justice and deliberate denial of the right to think, hear and choose to American citizens? The reason is that the present elements which rule America, big business and big brass, fear the truth, which may interfere with their power and income, and secondly, this nation falls the more easily back into the grip of a slave state, because less than a century ago it actually was a state in which human slavery was legal and customary. We would rather forget this shameful past, when for 250 years this land of freedom of religion, of democracy, was the only civilized state in the world where human beings were real estate, bought and sold precisely like cattle; where slaves had no right of property, no legal marriage, no control of children and no right to learn nor think. That was the actual status of black slaves in the United States of America until only 80 years ago, and vestiges of it are still law and custom in a third of our national territory.

We want to forget this. I want to forget it. But when Governor Dewey (and of course Joe Hanley also as soon as he gets word) try to tell me that the Republican party freed the slaves, that statement is a lie. The Republican party never intended to free the slaves. It won the election on a solemn pledge to protect slavery in the south and to return runaway slaves without trial. Abraham Lincoln vowed solemnly that he would not touch slavery if he could save the union without doing so. But he could not save the union until he used black soldiers to win the war. It was these 200,000 black soldiers and the promise of a million more which brought Lee's surrender.

We distort this truth and put the distortion into our school books because we are ashamed of the whole sorid disgraceful mess, which still reaches down the ages to give the lie to our unctious pretense of having always led civilization.

This is only human. What is inhuman and dangerous is the ease with which this past lets us slip back toward slavery and injustice, lets us lynch without trial 6,000 black and white American citizens, since the abolition of slavery and shows the unhealed wound of lawlessness stamped on the soul of America. Yet no anti-lynching law can pass either Republican or Democratic congresses. This hold just as true for the Democratic-controlled 81 Congress as it did for the Republican-controlled 80th. On the record, voter can have the slightest confidence in the promise of either of the old parties—or their candidates—to pass civil rights legislation. Any protestations to the contrary by Herbert Lehman or Joe Hanley are made strictly for vote-catching purposes and are entitled to no credence whatsoever.

But even worse than the hypocrisy of the Democratic and Republican parties and their candidates on the civil rights issue is this: that whenever powerful interests in America feel their rule is threatened, their first impulse is to restore to the same tactics which the slave power once used to stop abolitionists from discussing slavery. Today the power of organized industry is great and growing. Through its control of both old parties, it can and does tax the nation for a vast army to protect its intterests and promote its expansion ower all the world. The weight of these tatxes is borne by the common people—working men and women and farmers, while the profits of the big corporation and the personal incomes of their millionaire owners rise to new heights.

In our land, big business owns the press, the magazines and news gathering agencies; it control radio, stage and platform. Gradually big business in the United States, to choke off criticism and conceal the facts, is building a new slave state. This descent into hell, Joe Hanley and Senator Lehman defend and excuse repeatedly and with enthusiasm. For all of their ties are with the leadership o fthe Republican and Democratic parties and with the big business interests that run both. Our first step toward freedom is to repudiate both old parties, their candidates, and the policies that they stand for.

We urge all of you to join us in wanting this to vote for the candidates of the American Labor party. That can only be done by rolling witch-hunts, Presidential loyalty and FBI police state orders; we want the repeal of the Taft-Hartley Act, and the McCarran Act. In other words, we want to be a land of the free, not simply in song but in law and truth.

Thank you, and good night.

Texas Archbishop Tells Women "White Supremacy" on Way Out

CLEVELAND, — Women from throughout the United States, gathered here for the silver jubilee convention of the National Council of Catholic Women, heard Archbishop Robert E. Lucey of San Antonio, Tex., assert that "The stupid and unchristian idea of a master race, which we call white supremacy, is on its way out and it can't go too soon."

In his keynote address on "Principles for Peace," Archbishop Lucey, who is Episcopal chairman of the Lay Organizations Department National Catholic Welfare Conference, declared that "the picture of race relations in our country could be brighter."

From Murder to Covenants

"Men of color in India, Africa and Asia don't like the crimes which we commit against racial minorities in America and that is bad for peace. Our moral leadership seems weak and ragged when we are guilty of every crime from murder to restrictive covenants."

Turning to the world situation, Archbishop Lucey said that one day nations will learn to sacrifice a measure of their sovereignty "to build a successful family of nations with a world court and compulsory arbitration." However, in discussing Russia and the cold war, he had this to say:

"In the present unsettled state of international affairs it is quite obvious that America must remain strong. Russia is determined to conquer the world; we are determined that she shall not do so.

Compromise Discredited

"It has been suggested that our statesmen confer with Russian statesmen to resolve our differences and end the cold war. But we have been conferring for five years and no peace treaty has been written, no enslaved country has been freed, no approach to peace has been accomplished and Russia has devoured weaker nations one by one. The overall strategy of the Soviet Government is world conquest and you can't confer about it.

"Truth, justice, liberty and peace are not subject to compromise. As between world conquest and world peace no discussion is possible.

"The only language that the Soviets understand is force: their government is composed of murderers, liars and thieves. Justice has no meaning for them. If America becomes weak in this crisis, America will cease to be."

Georgia Won't Send Negroes to Youth Session

Talmadge Refusal to Put Any in Delegation May Bar State From Capital Parley

WASHINGTON, Sept. 18 (AP).—Refusal by Gov. Herman Talmadge to put Negroes on Georgia's committee for a White House conference on children and youth has set off a fight that might leave the state without representation.

The national committee planning the meeting is known to be considering two possible courses of action if Gov. Talmadge stands firm:

1. Refusal to seat the Georgia delegates.

2. Reduction of the Georgia delegation by one-third and invitations to representative Negro organizations in the state to name members to fill out the state's quota.

A spokesman for the committee told a reporter today Gov. Talmadge refused to include Negroes in the state committee assigned to plan Georgia's part in the conference and select delegates.

Now the national group is awaiting an answer to a letter sent to Gov. Talmadge last week. That letter described the all-white delegation, named on recommendations of the similarly all-white state committee, as unacceptable.

Final decision on the Georgia representation has been left by the committee to Federal Security Administrator Oscar Ewing, chairman of the national group.

The conference is held every ten years to consider the whole range of national child and youth problems. It will be held Dec. 3 through Dec. 7, meeting in the National Guard armory here. Seating capacity limits attendance to 5,500, and quotas were assigned the states from among 4,500 adults, 500 young persons and 500 foreign delegates. Georgia's quota was thirty-six.

The national committee asked each state to see that all population groups and other interests are adequately represented.

Objections to the all-white delegation from Georgia were based on statistics showing a one-third Negro population.

Committeemen made it known that they will not insist on a strict division with twelve Negro delegates from Georgia, saying "several" would be enough.

All other state committees have been found satisfactory, committeemen said, and the delegations are now being selected.

South Told 'Accept Negroes as Friends'

ATLANTA—The Southern Regional Council, Paul D. Williams, president, last week urged the South's policy-making bodies to include Negroes in their membership.

Williams declared that the South is "facing a crisis today because of our failure to admit Negroes to partnership in our public life. By doing so now, the South can tap new resources of ability and statesmanship and open up an era of common citizenship."

Particularly recommending Negro representation on school boards, elective and appointive, the council said many school equalization suits filed in Federal courts are "the fruits of bad faith."

TEXT OF STATEMENT

The full text of the statement adopted at the annual meeting in Atlanta follows:

"Discriminations long taken for granted in the South are today yielding their bitter harvest. The Southern states are discovering that equal opportunity — as defined not only in the U. S. Constitution, but also in their own laws and constitutions— is expensive and difficult of achievement. They are learning just how unequal our 'separate but equal' facilities are, in health, education, housing, recreation and scores of other public services. Under the pressure of court action, they are discovering that the time is rapidly running out when the postponement and token approaches to equalization will suffice.

CITES "UNPAID DEBT"

"The problem is talked about in terms of dollars and cents; repairing the neglect of generations is a costly business. But, as the Southern Regional Council has repeatedly pointed out, the problem is a material one—and something more.

"The South has an old unpaid debt to its Negro citizens; to reward patience, service, and loyalty with recognition of full citizenship status. This debt will not be satisfied merely by bestowing upon the Negro population increased benefits long overdue (although that is an end far from attainment).

"There is a growing conviction among Negroes that if one racial group makes all the laws and administers them, holds all the power and administers it, and has all the public money and distributes it, it is too much to expect that group to deal as fairly with the weak, minority, non-participating group as it deals with its own.

DEMOCRACY URGED

"What is needed is a shift from paternalism to democracy. Negroes should have full and fair representation on policy-making and administrative. These would include, of course, boards and commissions governing the whole range of public services. But the need today is of special urgency in the field of education.

"In county after county over the South, Federal courts have ruled, or are being asked to rule, that equal school facilities must be provided for Negro children without delay. School boards and other public officials are anxiously examining their budgets and making belated starts at improvement.

"A few politicians, more interested in votes than in progress, are shouting defiance at the courts and seeking to incite the public to anger. Other spokesmen have taken on the futile task of justifying and explaining away the inequalities which are too plain to be denied. Still others, while deploring existing discriminations, deplore even more the filing of law suits demanding correction.

FORCED TO COURT

"Such protestations are neither justified nor constructive. In view of the long record of evasion and inaction, it is hardly surprising that Negroes are turning with increasing frequency to the courts for the remedy to old injustices.

"That is a lawful and accepted procedure in our democracy, and should not cause dismay or indignation. On the contrary, it should cause some honest self-examination.

"There is every reason to believe that the Negro plaintiffs, like the defendants, would prefer a less expensive and more cooperative method of reaching agreement. The best way to achieve that is for Negroes to have a voice in the policy making which determines the quality of education children are to receive.

IN PUBLIC EYE

"Much attention is being focused just now on the attainment of two equal school systems. Who is to say what is equal? On past experience, our only arbiter on that is the courts. And the briefs prepared for the courts by contending parties inevitably stress the mathematics of equality.

"How many desks, of what model, at what cost, on how many square feet of floor space, for how many white pupils, as compared with how many of each of these for how many Negro pupils and ultimately, a court must state a formula—a number.

"However, true equality is not static arithmetic. It is a running matter. It requires trustworthy day to day administration. How can that be contrived? The only answer is representation of all parties on the important policy boards.

"If we are to have flexibility and order and understanding in the conduct of our school system in the South, we must build a system of school administration which all concerned can believe in.

"In places where boards of education are elective rather than appointive, it is up to qualified Negro persons to seek the office. I need hardly be pointed out that representation can be effective unless it honestly expresses the feelings of the group represented.

"In places whether boards of education are appointive, public officials will be tempted to appoint persons whose compliance and readiness to please would make for easy agreement. But such appointments will not accomplish their purpose.

"True agreement — particularly in a matter as sensitive and important as educational opportunity—can be reached only if the minority view is voiced with frankness and considered with respect.

"The opportunity is before us to strengthen our region and hasten its progress by admitting all our people to the ranks of our common citizenship. There could be no more appropriate time than now, and no more appropriate field than education, for that step to be taken."

"BUCKSHOT" LANE

Sirs:

As I hide your July 17 issue ("Life Visits Sheriff "Buckshot" Lane) from my 7 year old son , I realize how amazing it is that 15 million Negroes in our country remain as loyal as they do. Frankly I had to brace myself when I saw the pictures of "Tom Will Lane, sheriff of Wharton County, Texas, slapping a 'drunken or sleepy' Negro woman because she 'talked back'. And Life refers to that sheriff as one of the best and most efficient sheriffs in the U.S.! At this time, when our government is stressing "unity and brotherhood of all Americans," can't you imagine the impression these pictures have on youngsters of all races?

I had an abundance of faith when I was in high school, but undergraduate days at Howard University gave me a chance to see what the nation's capital was really like. Studying for a degree at Radcliffe in Cambridge gave me the reassurance I needed in the American way, but when LIFE calls Tom Will Lane a top-notch sheriff it makes me wonder just how I'll evade the subject when and if my schoolchildren ask about it come September.

SARA E. HARDY

Detroit, Mich.

Sirs: Life

Your story was undoubtedly a masterpiece of publicity—but not for democracy! Is this the kind of thing democracy offers the Negro? And at the same time you print a story of the U.S. trying to insure democracy for South Korea. . . .

CALVIN H. HALL

Roxbury, Mass.

Sirs: 4-7-50

No doubt the woman was in the wrong, but as far as I've been taught, it's pretty rotten for a man to hit any woman, black *or* white.

MRS. HARLEY HUDDLESTON JR.

Indianapolis, Ind.

Sirs:

Why doesn't Sheriff Lane follow his own words—"If people would just think of his fellow man . . . this would be a better world to live in."

OLIVE STACEY

New York, N.Y.

Sirs:

I am sure that all our U.S. Congress lacks is some semiliterate, strong-armed popinjay who spells the word fought "f-a-u-g-h-t."

GEORGE WHITNEY JR.

University of Wisconsin
Madison, Wis.

Sirs:

Where are his rubber hose and ball bat?

LEWIS D. HILL

Oakland, Calif.

Sirs:

The community where I live is surrounded by people similar in color to the woman shown in your "slapping" scene. I wonder if they won't want to do a bit of "slapping" themselves at "drunken" white men when the occasion demands. . . .

H. L. GLEASON

Chicago, Ill.

Sirs:

It occurs to me 1) that there are specific laws designating punishments for such misdemeanors, 2) that such laws do not include physical maltreatment, 3) that Mr. Lane, from all accounts, is armed with both a gun and an energetic mouth with which he could subdue disrespect in other ways. When we try to sell democracy to some of our European neighbors we had better leave incidents like this out because if it "doesn't look good on the Communists" it doesn't look any better on us.

MRS. WILLARD GOLDBOSS

Highland Park, Ill.

After reading about "Buckshot" Lane, I have decided to move north. Pike County, Pa. is not far enough away from Wharton County, Texas.

ELEANOR PEDERSEN

Milford, Pa.

Sirs: Life

Since you make no comment on the pictures I assume you are in full agreement with the policies and methods of this efficient man. . . .

THE REV. HARRISON SASSCER

Omer, Mich. 8-7-50

● In calling Sheriff Lane "one of the best and most efficient sheriffs in the U.S.," LIFE by no means endorsed all his attitudes and actions. "Buckshot" Lane is the type of Southerner who expects Negroes to say "yes, sir" to him and will not shake hands with them; yet he has two Negro part-time deputies on his staff and helps Negro families who are in need of advice, small loans or both. Lane, like most other peace officers, both good and bad, often slaps drunk or otherwise unruly prisoners of any color who cannot be reasoned with.—ED.

JUSTICE AND TENNIS

Sirs: Life 8-7-50

Phi Beta Sigma Fraternity, Inc. and its 8,000 members wish to extend congratulations on the stand you took ("Justice and the Courts (Tennis)," LIFE, July 17) regarding Althea Gibson, Negro national tennis champion, and the National Championships of the U.S.L.T.A.

HUTSON L. LOVELL

New York, N.Y.

12 Down and 12 to Go

This time twelve months ago we stood on the threshold of a New Year and, with a backward look, took inventory.

What we saw was a year marked by much personal achievement by individuals but by limited mass gains on broad issues affecting most of us.

Today, as we look back upon an ebbing 1950, we have reason to be proud of additional personal gains, but, more important, can we be glad of more group advancement.

Probably more far-reaching than anything else were the U.S. Supreme Court's decisions which (1) called for the opening of the graduate schools of State universities in the South (2) called for the end of segregation on dining cars and (3) called for the end of classroom discrimination in Southern State institutions.

As a result of these decisions a definite pattern has been established for education in the South, leaving nothing to chance or guesswork. Already several of the States—Virginia and Louisiana among them—have opened their doors, which, with those States previously opening their doors, now leaves but a half dozen States who have not acted.

The high court's decisions and Executive Orders by the President calling for an end to discrimination in the armed services, have done more than anything else to bring progress.

In other words the judicial and executive branches of our national government have far outstripped the legislative branch in putting some real meaning in our democracy.

However, while our national legislature has fallen down on the job by blocking efforts at civil rights legislation, some of our State legislatures and some of our municipalties have gone right ahead and passed laws outlawing discrimination in employment.

Despite the failure of Congress to enact civil rights legislation, the very fact that there has been so much resistance to the program on the part of certain Congressmen and Senators has focused the spotlight on the subject and made many citizens conscious of the situation who otherwise might have been uninformed.

We further believe that as a result of this, the nation has witnessed a growing trend among even the common people toward attaining the goal of equal opportunity for all, regardless of race, creed or color.

During 1950 there were ample evidences that the pendulum was swinging more and more toward a realistic plan of democracy in action.

With increasng war clouds on the horizon, there is increasing uncertainty as to our future progress—uncertainty even as to our future existence.

But we do look forward to gains all along the line wherever gains are made. We also foresee that we are destined to take our share of the bitter with the sweet—the ups with the downs.

We are living in a crucial period and we must be prepared for the best or for the worst. Whatever happens in the coming twelve months, let us not have it said that we were unready.

Willie Stokes Was Right

Some of our readers will probably recall an account of the story of Willie Stokes, who with his family, made his way out to the California coast during the boom years of the war. At the close of the war, Willie Stokes lost his good job and good pay, as well as many of the newly found comforts he had grown to like so well, and eventually turned up with thousands of other Negroes in the unemployment line.

It soon became apparent to Willie Stokes that the prospects of immediate employment were not good and that all he prejudice was not centered in the South. The difficulty in supporting himself and his family while seeking peace time employment became so great that Stokes was forced to make a decision of returning to the Deep South or fighting it out in California.

The decision was promptly made. Willie Stokes decided to fight it out in California. "Why"? he asks. "Well", and he answers his own question, "no matter how bad things are in California, they are at their worst, far superior to things in the Deep South."

In California his children go to the same schools with all other children. They go for nine months of the year. The school buildings are new, warm, and well lighted. He can ride on a bus without having to take a seat marked "COLORED." He can attend any movie and take any seat he likes. No climbing the long flights of stairs to the uppermost balcony. He can walk down the streets without having to shuffle toward the curb when a white man passes. He can vote and not be confronted with a klansman burning crosses in front of his house the night before to stop him. All in all, Willie Stokes said, "in California I can hold up my head, look any man in the face, and be a first class citizen."

Today, Willie Stokes has read the account of two white ministers who had to cancel appearances at a Negro church to talk about the religion of Jesus Christ on Easter Sunday, because they feared they might displease members of the Ku Klux Klan, who in most Georgia rural communities, are the ruling voices even now. On the map Willie Stokes will be shocked to learn that it happened at Unadilla, only 11 miles east of Cordele, Georgia and only 32 miles from his birthplace, where Negroes until a few years before he left, were not allowed to walk the streets dressed up, except on Sundays.

Willie Stokes will understand that while the white ministers may have had the courage to go on, that it was the Negro preacher and his membership who called off the meeting because of fear. Willie Stokes can testify that things are getting better in the South but it is bad enough at its best.

Georgia-Born Lillian Smith Hits Segregation

A man stood off a distance and gazed at Lillian Smith after her outspoken address at the White Rock Baptist Church, Durham, N.C., Friday. Several hundred persons shook her hand and congratulated her on her blast at segregation. "Were you born in Georgia?" he asked. I was, Miss Smith answered. "Do you live there now?" "I do" the writer stated. "Then I will shake your hand," he stated, "any one can talk like that but not still live in Georgia." There was a loud burst of laughter and this photo was taken. (Photo by Douglas Hall)

Would Impress Asiatics More

'Drop Race Bias, Not Atom Bomb,' Says Lillian Smith

By A. M. RIVERA Jr.

DURHAM, N. C.—The South received a triple blow in its vulnerable race relations solar plexis last week as native white Southerners, young and mature, broke with the old order. The blows were dealt in Charleston, S. C., and in the Tar Heel cities of Raleigh and Durham.

Former Gov. Colgate W. Darden of Virginia, now president of the University of Virginia, told a conference of Southern Governors in Charleston that "they were dealing with stubborn facts, not shadowy theories, and that a frightful price can be paid for intransigence."

SHOULD BE ADMITTED

The University of Virginia president declared that Negroes should be admitted to the Southern graduate and professional schools.

Miss Lillian Smith, author of the novel "Strange Fruit" and the semi-autobiographical treatise "Killers of The Dream," told an unsegregated audience in Durham: "The dropping of segregation in the United States would have more effect on the world than dropping an atomic bomb on China."

Miss Smith predicted that a Presidential proclamation abolishing racial segregation "would refute the strongest arguments of the Communists about U. S. racial hyprocrisy and would send Stalin pacing the Kremlin floors."

RACE STUDENT PREXY

In Raleigh, student delegates to the fourteenth annual Students Legislative Assembly, representing twenty-five colleges in the state, elected William Lar Sha, an A. and T. College senior, president of the mock Senate, and in a heated debate which lasted until midnight, voted out segregation in an omnibus education bill introduced by the University of North Carolina delegates which called for:

(1) Admission of Negroes and whites alike to all state educational institutions.

(2) Abandoning of political loyalty oaths for state college teachers, and

(3) Consolidation of all state-supported institutions of higher learning into the University of North Carolina.

EXPECTS REPERCUSSIONS

In the speech in which Mr. Darden advocated admission of Negroes to Southern professional and graduate schools, he said he realized fully that his suggestions "will arouse antagonism among those to whom any concession to the Negro race is regarded as both silly and reprehensible."

"I would remind those individuals," he added, "that they are dealing with stubborn facts, not shadowy theories, and that a frightful price can be paid for intransigence."

The Virginia college president cited the U. S. Supreme Court decisions admitting Negroes to Southern universities, and though he did not testify to the success to integration in the University of Virginia, his appeal for more equal educational opportunities for Negroes revealed that he is thoroughly convinced that this is the South's answer to the problem of higher education for Negroes.

A CHALLENGE

Miss Smith, sponsored by the Fellowship of Southern Churchmen, declared in an address entitled "Whole Men Living In A Whole World," "If this country

wishes to assume the moral leadership of the world, a Presidential proclamation abolishing racial segregation would assure the world's two-thirds colored population that believe and practice democracy. Such an act," Miss Smith continued, "would refute the strongest arguments of the Communists about U. S. racial hypocrisy."

The noted author cautioned that the majority of the world is not going to accept American democracy until we get rid of segregation. The speaker described segregation as a philosophy of death, a withdrawal from life, a separation of ourselves from reality. "We have come from a splintered world, one full of walls and barriers of race, nationality, poverty, ignorance, and religious ignorance and we're moving in the direction of a world that will soon be whole."

Miss Smith labeled the segregationists as a schizophrenic, a person divided by many mental walls, a person who by training and culture is separated from reality. "We are afraid because we are split people entering into a whole world," the lecturer stated, "and we will not be at peace with ourselves until we come of age as 'whole men living in a whole world.'"

DORIS LOCKERMAN

The Luck of the Talmadges

Any day now they will change that old phrase the "luck of the Irish" to the "luck of the Talmadges." Just as things begin to bog down in their campaigns for office, as the people begin to tire of the twin firebrands of white supremacy and the county unit system and begin to hearken for dynamic new ideas of service to the State, the Supreme Court of the United States can be counted on to come with a new torch to rekindle the blaze of strife. The nine old men in Washington handed down another ruling this week dealing with the inflammable issue of race, and it is obvious that again the highest tribunal in the land has played into the hands of a Talmadge at the time it helped the most.

It can be said that the latest decision did not outlaw segregation, only restate the necessity for equal if separate facilities, but it was trend enough to change the thinly veiled cry of "Nigger, Nigger" into a throaty, frenzied yell.

Several years ago, while another Talmadge was marching through Georgia, speaking hotly on the issue of Negroes and their vote, the Supreme Court took occasion to issue an other dictate that declared black men could not be required to move to the rear of buses in interstate commerce travel. That ruling became a jet propulsion engine for the Talmadge bandwagon. The carriage shot toward victory, vaunting the sacred honor of the whites of the Southland.

Again in this campaign the steady pounding of M. E. Thompson against Herman Talmadge's alarms had begun to take effect, as thoughtful citizens realized that FEPC is, after all, a national contest, fiercely denounced by all Georgia's elected representatives and attacked by all influential Georgia defenders and that the County Unit System has been upheld, as a State matter, by the Supreme Court and is under no present attack anywhere.

Their sense of hearing was becoming numb on the recountal of the great gifts of the Talmadge administration to the old, the weak, the physically and mentally ill, and they were beginning to listen for the honest statement of whence the money had come, and would come, to pay for these blessings.

These dollars have had to come from taxation, and it was beginning to concern the audiences that the broad issue of taxation had been whimsically and capriciously dismissed in all discussions by the Talmadge campaigners.

The Minimum Foundation for Education had been given lip service, and a way, it had been promised, would be found to finance it, "with the help of God."

It is sad to know that politicians must forever promise more and more to be elected, and that no voter seems mature enough to realize that there is no one to pay for these gifts but the people themselve.

This day we need to boast less of the vast number of people on the old-age pension rolls, and more about the number who have been cherished in the bosom of their own loving families or by their own prudent savings.

We are faced squarely with the charge of providing "equal facilities" for Negro citizens. It is a pledge offered long ago and never fulfilled. The Supreme Court ruling last week was a new affirmation of it. Our candidates for Governorship should pledge their efforts to meet the demands, and admit fearlessly that it will take pennies and dollars, as well as a new declaration of conscience from all Georgians to provide them. And this should include the colored Georgians themselves.

The Lord Bountiful act ill befits Americans. "I gave you this, I gave you that" are shabby, boastful words for a representative of a democratic State. We have no Kings; no one can give us anything we do not ourselves eventually pay for.

The besieged promise of Winston Churchill—those unhoneyed, unpatronizing, manly words addressed to a self-respecting people—"I offer you nothing but blood, sweat and tears," could be paraphrased in Georgia now.

There need be no blood, but it will take sweat and tears now and in time to come to satisfy the needs of this commonwealth today and in the future.

Overlooking A Vital Fact

Governor Talmadge, in explaining his refusal to appoint Negro representatives to the White House Conference on Children and Youth, said that the 36 delegates appointed are among the state's outstanding citizens and that since Negroes are not members of the legislature, or the Board of Regents, the court benches, nor the Boards of Education, they are not entitled to representation.

Of course, for the moment we will not waste time to go into the obvious moral and civic arguments why Negroes should constitute at least a third of the delegation. More important than that is the fact that Negroes should be members of the legislature, of the boards of educations, of the court benches and of the Board of Regents. Equality of opportunity, if it is to be carried to its logical conclusions, would indicate that Negroes take their rightful places in all of these as well as other posts not enumerated by the Governor.

The Negro fight for equality has been a long and difficult one. And there is nothing to indicate that the fight will soon be over. Indeed, as long as there remains a single inequality based upon race or class or color the fight must be waged. As for us, we should not let up until Negroes are properly represented, not so much on occasional committees in Washington or other far-off places, but on the boards and agencies which decide daily upon our destinies in the communities in which we live.

There is not a Negro on City Council nor Police Committee. Negroes have no representation in City Hall nor do they have any sizable employment in the 38 odd Federal Office Buildings in Atlanta. Our experience of the past dictates that we will never secure any of these rights if we should wait for the moral conscience of those in authority to suggest the granting of these. We have waited nearly 75 years for the moral conscience to become operative in the matter of better schools and equal privileges but until this day, we do not have them.

38a 1950

General

THE NEGRO'S FUNDAMENTAL BELIEF IN THE AMERICAN WAY OF LIFE

Sat. 8-26-50

The Negro believes that if we preserve the fundamental principles of our American way of life and individual freedom that in the current war period, though there are many barriers to be crossed, we are coming out triumphant into a period of unity, happiness and prosperity never known before.

Florida Sentinel

The Negro believes that sour talking, pessimistic philosophizing, hatred, complaining, succumbing and all such, work toward our own decline and pull others down with us.

The Negro believes that we cannot expect very much of something for nothing—nor more for less--not for long.

The Negro believes that our right for a "square deal" depends upon our hard and honest personal endeavor in assuming to the utmost possible extent our own individual responsibilities. This nation is but the total of individuals like ourselves and on our collective "will to win," our collective courage, hard work, honesty, kindliness, initiative and straight thinking depends our future prosperity. We must sharpen our axes and blaze our paths out. Jacksonville, Fla

The Negro believes that in an association of free men, the duty of government and of organized society is to help men help themselves. Aid should be forthcoming when men are "down," but they should not be "put out" by political and social philosophies of self pity and do-nothingness. The spirit of "give up" never built this country. It was founded and has been made great by those who believe in the right and necersity of men to struggle for and to possess for themselves the rewards of their labor. The theory of pooling property----pooling responsibility----pooling almost everything to the sacrifice of individual initiative never has and never can enter very deeply into the soul of America. This people will not be "herded"----we want no benevolent autocrats to shepherd us.

Sat. 8-26-50

The Negro believes government, both national and state, should cooperate with industry, and industry with it, and both with labor, to the end that nationally we unite in regulating the abuses of special privilege to any class or group of organized minorities----be they of capital, of labor, sectional or political.

The Negro believes that that there never was a time when men and women of all classes and occupations had a greater responsibility in employing their individual and collective strength and intelligence, with courage and without ceasing, to the task of "seeing this thing through," man by man, family by family, company by company, town by town, city by city, and state by state.---The Weekly Review.

Answer To Race

To the Editor:

I feel compelled to write to you about the item concerning the American Repatriation Society's "Answer to Race."

There is always someone, usually in Mississippi, who would send the unfortunate blacks back to Africa. It seems that people are never satisfied. When the Negro's forefathers were savages in the wilds of Africa the white man captured and brought them to this continent. There were many inconveniences and hardships to confront the black man in this new country among strange people, but he overcame all the obstacles before him.

The black man's mental capacity, although considered so lowly by the white man, rendered him able to adapt himself to the white man's ways and country. After learning the white man's language and to do the white man's work, he finally gained his freedom. Today Negroes are able to do anything white men do, and just as well.

Now for the simple reason that the black man desires to be treated as a person instead of being treated as an animal, some people would send him back to Africa. The hardships to confront the Negro, if he were to return to Africa, would equal those suffered by our forefathers.

The white man states that he considers the Negro to be mentally inferior to other races, yet he gives the Negro the benefit of being able to change completely to the ways of another continent or to convert the people of that continent to the ways of the Western world, either of which would be a great accomplishment.

Whereas, the white man was satisfied with the Uncle Tom type Negro, he is dissatisfied with the present-day Negro because he is slowly but surely improving himself as a race, mentally, physically and economically. In view of these accomplishments, there are those whites who are afraid that they may not be able to stay in the spotlight, so they are all for shipping the Negro back to Africa.

Although they may prefer the term repatriate to the term shipping, they still mean the same thing, so why not call a spade a spade?

Maben, Ala. BEATRICE PALMORE.

Jim Farley Against Federal Laws To Stop Racial Bias

Sat. 12-2-50

Black Dispatch

(By Samuel P. Perry, Jr.)

MIAMI, Fla. — (ANP) — Former U. S. Postmaster General James J. Farley, now an executive with Coca-Cola, asserted here this week that Federal legislation "is the wrong way to approach the problems of civil rights."

The former Democratic party national chairman during early days of the administration of the late Franklin D. Roosevelt further averred that "to pass a law, especially a Federal law, is never the best way to correct an injustice."

Oklahoma City Okla.

The audience which heard Farley, now a business man whose offices are in New York City, was composed of members of the Florida State Chamber of Commerce. The following words of the speaker evidently delighted many of his listeners, fully aware of recent Supreme court decisions on interstate travel and segregated education: "To threaten the South with drastic Federal legislation is the last way to approach these problems.

"And we are a long way from that last way. When we review the history of past years, we see clearly that most of the problems raised by the so-called civil rights program are gradually and peacefully being solved right here in the South."

General

Although Farley, who is also an author, cited the widening gates of economic opportunity in the South and the spreading of the right to vote, he neglected to mention the efforts of the Negroes in Arkansas and South Carolina, for example, in securing legal sanction for registering as Democrats in what were once known as "white primaries." In fact, credit was given entirely to the southern states and communities.

Henderson, Sweatt Cases Set For March Argument

Doubtful Justice Douglas To Return By February 6

WASHINGTON, D. C. — (NNPA)—Argument of the two racial segregation cases pending in the United States Supreme Court has again been postponed, it was learned last Friday.

The cases of Elmer W. Henderson and Heman Marion Sweatt have been set back for argument until March. They will probably be argued during the week of March 6. They were set for argument during the week of February 6, but it was doubtful that Justice William O. Douglas will be back on the bench by then. He is expected to return to the court sometime in February.

The Henderson case involves the question of racial segregation on railroad dining cars. The Sweatt case is an appeal from the judgment of Texas courts denying Sweatt a writ of mandamus to compel his admission to the University of Texas Law School after the State had set up a separate law school for colored students.

MCLAURIN CASE

Also to be argued along with these two cases is the case of G. W. McLaurin, a former professor at Langston University, who also is attacking racial segregation in education. McLaurin is a graduate student at the University of Oklahoma but is segregated from other members of his class by being seated in an alcove. He contends that this is a denial of equal protection of the law as guaranteed by the Fourteenth Amendment.

All three cases have been ready for argument since the opening of the October term of the Supreme Court but have been postponed from time to time because of the absence of Justice Douglas, who was severely injured during vacation when a horse he was riding fell on him.

Conventions Lost by Two JC Cities

WASHINGTON

Two national organizations, last week, cancelled their plans for holding conventions in cities where there is certain to be segregation against their delegates.

They are the American Red Cross, which called off its plans to hold the 1951 national convention in Miami, Fla.; and the National Education Association, which, after consideration, for holding its two-day October conference in St. Louis, Mo.

For the past three years the Red Cross convention, with its approximately 6,000 delegates, has met in Western, Eastern and Northern cities; so Red Cross thought it would be only fair that it go to the South next year.

Hotel Accommodations JC

However, Miami, the only Southern city with adequate hotel space to accommodate all the delegates, was found to be adamant in its segregation policy; so the convention bureau of Red Cross abandoned plans to hold the session there.

The National Education Association, which will attract approximately 500 delegates, will hold its conference in Chicago instead of in St. Louis, because of the policy of St. Louis hotels to refuse accommodations to colored persons.

150,000,000 In U. S. Pay $500 Each For Jim Crow!

WASHINGTON — Race prej

dice in American industry is costing between $15,000,000 and $30,000,000 a year in lost production, 40 leading industrialists and labor leaders were bluntly informed at an Intergroup Relations Conference held here under the sponsorship of the National Conference of Christian and Jews.

These figures were quoted by Gordon Lovejoy, professor of human relations at the University of Miami.

Manufacturers who refuse to hire certain types of people because of racial and religious factors are losing these same people as potential customers, Dr. Lovejoy contended. The loss amounts to "about $500 a year for every American worker," he said.

Segregation Denounced By Church Official

RICHMOND — "I have no hesitation in saying that I think segregation as such is utterly wrong in principle and utterly pernicious in practice," said the Rev. Dr. John H. Marion, director of Christian relations for the Presbyterian Assembly's Board of Church Extension.

Dr. Marion issued his plea for the abolition of segregation in the current issue of the Presbyterian Outlook, published here.

His article continued: "We white southerners have lived with segregation so long that we tend to accept it as something handed down from Sinai. Actually, its cost is so high and its fruits so bitter that it might better be looked on as a monster sprung from Hades."

He said refusal of a great part of the white Christian world to renounce segregation is "perhaps the greatest single obstacle to saving millions among the colored races from paganism, Mohammedanism, and Communism."

On the political level, Dr. Marion declared that segregation decrees for all Negroes "what amounts to second class citizenship."

The churchman's appeal is based on the case of Heman M. Sweatt of Texas, who has appealed to the United States Supreme Court to force his admission to the University of Texas at Austin.

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How Segregation Feels

A friend told me yesterday that most arguments in favor of ending segregation were as stale as the New Look and that a new angle would be welcome. I feel that this is a new angle and I submit it for what it is worth.

Try to picture yourself, as realistically as possible, in the position of a returned Negro war veteran who has lost an arm fighting for democracy, or a woman whose skin happens to be black, who has lost her son, husband, or brother in the same fight. Now, imagining yourself to be that person, walk into most any decent restaurant downtown, ask them if they serve Negroes. The answer is no. Tell them that you are a true Christian and that you won't eat where your brother can't eat. Keep going until you find a place where they will serve you.

Continue to think of yourself as a Negro for at least a month, and act as I have outlined. I believe this test will do much to crystallize the thinking of a lot of people who are confused on this subject.

VINCENT E. JAY

Washington.

What Negro Wants

To The News:

Regardless to race, creed or color, we all here in America are human beings. We as Negroes deserve the right, not by force, to live and be happy without fear. We don't need civil rights nor do we want social equality, as Mr. Chandler said in a round-about way. We have advanced too much to have our feet knocked out from under us. All we desire is an equal opportunity.

Mr. Chandler, we should all think twice before we speak.

EDWARD Q. AUSTIN.

1603 Briar Cliff Rd., Dallas.

Dr. Aptheker Cites Racial Distortions of Historians

GREENSBORO, N.C.—Terming omission and distortion as the two greatest sins characterizing colored historiography, Dr. Herbert Aptheker, noted author and historian, told Bennett College students last week, "Much pure blindedness and irresponsibility will persist so long as the outstanding and professional historians insist upon dismissing scholars like Dr. Carter G. Woodson and Dr. W. E. B. Du Bois as propagandists."

Pointing out the many instances in which demonstrably erroneous assertions of historical fact are made by American history book writers, he said, "Such will persist so long as these historians do not realize that the colored citizen's past runs through the warp and woof of the fabric of America, that his history must be understood not only because it is the history of some fourteen million American citizens, but because American life as a whole cannot be understood without knowing that history."

Currently on a speaking tour throughout North Carolina, Dr. Aptheker told the group that "the classic examples of distortion in this field lie in the treatment of the colored man's enslavement and the crucial period of Reconstruction."

Another Blow Against J. C.

Another blow against the outmoded "separate but equal" doctrine in the United States was struck last week by Solicitor General Philip B. Perlman.

In a memorandum filed with the U. S. Supreme Court, Mr. Perlman, speaking for the Administration, has asked that tribunal to rule racial segregation out of state universities.

This is the third time that the Baltimore-born solicitor general has thrown the weight of the Administration behind the fight against segregation and discrimination.

In 1948, Mr. Perlman appeared before the Supreme Court in the restrictive covenant housing cases to argue that these devices on real property are "a menace to the privileges of citizenship" and should no longer be enforced.

Last year, he was back before the high tribunal to file a brief in the case of Elmer Henderson versus the Interstate Commerce Commission and the Southern Railway, the case having originated when Mr. Henderson was denied service on one of that railway's dining cars.

In his brief at that time, Mr. Perlman vigorously attacked the "separate-but-equal theory which has colored so many court decisions as a "constitutional anachronism."

His argument brought squarely before the Supreme Court for the first time the argument that equal treatment means the same treatment and that equality means equality between individuals, not groups.

In his latest memorandum to the court, Mr. Perlman has thrown the weight of the Administration in support of Heman Sweatt and G. W. McLaurin whose separate cases, soon to be argued before the court, are aimed against segregated education in Texas and Oklahoma, respectively.

McLaurin, graduate student at the University of Oklahoma, is attending classes, but forced to occupy a classroom alcove which separates him from his white fellow students. He is also limited in his use of the university's cafeteria and library facilities.

Sweatt, denied admission to the University of Texas law school, has refused to attend the jim crow law school which the State set up for him.

Of these two cases, Mr. Perlman wrote:

"The United States . . . again urges the court to repudiate the 'separate but equal' doctrine as an unwarranted deviation from the principles of equality under laws . . ."

The memorandum is significant in that it calls for equality in "every sense", not merely in "one sense of the word."

So, in the space of three years, the Government has insisted upon equality in housing, public accommodations and education—three important areas of the entire civil rights program. A fourth major area—that of employment—has not yet been touched, but in all probability soon will be.

History is in the making and progress is on the march. Much of our future development hinges upon the Supreme Court's decision in the cases now pending. Thanks to Mr. Perlman and the Administration, we seem to be headed in the right direction.

U. S. Urges Court To Outlaw Jim Crow

WASHINGTON — For the second time in six months, the Federal Government has called on the Supreme Court to "repudiate" the separate but equal doctrine which supports segregation in U. S. life. The action is in the case of two Negroes fighting Jim Crow education.

On behalf of the Department of Justice, Solicitor General Philip Perlman contends in a brief filed with the court that the doctrine is "an unwarranted deviation from the principle of equality under the law" as written in the Fourteenth Amendment.

As a "friends of the court," Perlman is supporting Heman M. Sweatt and G. W. McLaurin against the Universities of Texas and Oklahoma. They charge denial of equal educational opportunities because of race in cases due before the court next month.

Hit Railway J. C.

Last October, the Government sided with Elmer Henderson against the Southern Railway and the Interstate Commerce Commission over the separate but equal doctrine as applied to dining car accommodations. Perlman submitted a blistering attack on racial segregation at that time and much of it is incorportated in the new brief.

The paper backing Sweatt and McLaurin argues from an 1880 court opinion that the Fourteenth Amendment was "designed to assure the colored race the enjoyment of all civil rights" under the law are enjoyed by white persons and to give that race the protection of the general government whenever it should be denied by the States."

The separate but equal doctrine springs from the civil rights case of Plessy vs. Ferguson decided in 1896. In the Henderson case the government argued that the theory is wrong as a matter of "law, history and policy."

As Perlman points out, Texas and Oklahoma are asking the Supreme Court to "place the seal of constitutional approval upon an undisguised species of racial discrimination." If the court gives in, he warns, the "ideals emboided in our Bill of Rights would be ridiculed as empty words."

Cites Covenant Case

Alluding to the opinion by Chief Justice Vinson in ruling against restrictive covenants, Perlman underlines the contention that it was "clear that the matter of primary concern (in writing the Fourteenth Amendment) was establishment of equality in the enjoyment of basic civil and political rights and the preservation of those rights from discriminatory action on the part of the States based on consideration of race or color."

The solicitor general said "the fact of racial segregation is itself a manifestation of inequality and discrimination."

McLaurin is a graduate student at the University of Oklahoma. Although in the university, he must sit at a special desk at the doorway to his classrooms. He can only use the library if he takes his books to a special desk.

Sweatt was denied admission to the University of Texas law school, which is reserved for white students. Instead, he was offered admission to a new law school in the hastily organized Texas State University for Negroes. He refused.

World's Political Fate Rests With Dark Races

Drr. Mordecai Johnson Says They Hold Balance in Capitalist, Communist Fight

By JAMES L. HICKS

NEW YORK — The delicate balance of the world today depends upon which way the black, brown and yellow people will turn in the fight between capitalism and communism, Dr. Mordecai W. Johnson, president of Howard University, declared in a Charter Day address here last Wednesday night.

Speaking at the Essex House to 200 members of the Howard Alumni Club of New York City, who met to observe the 83rd anniversary of the founding of Howard, Dr. Johnson quoted Leninism to his audience and painted a picture in which he showed that the forces of communism are already winning in its battle against capitalism.

He attributed communism's edge in the struggle to the discriminations against colored people by the capitalistic and imperialistic forms of Government. He quoted from an article which said, that there are 973 million people lined up on the side of communism as against 915 million people for the democracies.

One Down, Another to Go

China, Dr. Johnson said, has already gone over to the side of the Communist. And, he added, the British Empire's "stupid blunder of treating the people of India as the United States has treated colored citizens in Alabama and Mississippi has created in India the best possible setup for communism in the world." He did not flatly predict that India would go Communistic.

Dr. Johnson asserted that it is one of "the great tragedies" of America that the liberal white people who founded Howard to aid minority groups, had themselves been forced to become a minority. "They believed," he declared, "that the same kind of human spirit was in us that was in their own children and that we were worthy of being loved."

On the dais as Dr. Johnson spoke were two members of the trustee board of Howard, Judge Myles Paige of Brooklyn and Dr. Howard Parker of New Jersey; Professor Ann Cook, director of the Howard University players, Woodrow W. Carter, president of the alumni club here, A. Philip Randolph, and Lawrence R. Bailey, chairman of the dinner dance committee.

Television Seen Breaking Down Racial Prejudices

PLYMOUTH, Ind. — Television bids to become a great unifying force among Americans by breaking down racial prejudices, Johnng Meck, one of the country's largestman's home."
television manufacturers, declared Saturday.

He urged sociologists to recognize its significance in that respect.

"The attitude of white Americans toward Negroes is gradually changing. Many powerful forces are guiding public opinion away from prejudice. Negroes are now shown in movies and on radio as human beings with the same feelings and emotions as the audience. But this hasn't yet become general in those media, and radio and movies do not have the great, repeated impact of television which is already having marked influences on general attitudes toward minority groups," said Meck, who is president of John Meck Industries, Inc.

"Many persons who have never had an opportunity to understand the Negro or to see him as he is are being influenced for the first time by television. They are seeing him side by side with white stars on television shows, contributing his part to the show and doing a good job of it. Far more Negroes are appearing on television than ever appeared in the movies or on radio. They are gifted entertainers or the gentle minister on the religious program televised from one city and watched by many people who have never had any real idea of the Negro's reaction to religion. They are the clean and hard-fighting boxers on the televised fights viewed by many who never went to a fight. They are the talented amateurs competing on an equal basis with white persons on televised amateur shows.

HUMAN BEING

"Television is presenting the Negro to its millions of watchers as a human being whose sole difference is in the pigmentation of his skin."

TV will extend the Negro's horizons in other ways, even as it is breaking down the prejudice that contributes to limiting those horizons, Meck added.

"The old missued phrase that all men are created equal would seem to be brought to life in television. It is not for the rich or the poor or the black or the white. It is for every man who can honestly earn the money to buy a seat. Television brings all phases of life into every

This is certain to contribute to his social, educational and even his economic welfare, Meck states.

DEAN TELLS NEGRO ROLE

Cites Protest Balance at Bennett College Celebration

Special to THE NEW YORK TIMES.

GREENSBORO, N. C., Oct. 31—Appeal to the courts, "mainly the United States Supreme Court, is gradually chipping away the wall of segregation" in America, Dean Charles H. Thompson of the Howard University Graduate School declared today at Bennett College.

In a Founder's Day address, Dean Thompson said that "Negroes, being law-abiding citizens, have no other recourse than to abide by the law until the law is changed.

"However," he went on, "if Negroes have achieved proper balance between accommodation and effective protest, they will allow themselves to be segregated only when they have to. They will assert themselves to be segregated only when they have to. They will assert themselves incessantly and to the utmost to get law and custom changed."

Bennett College has been holding a five-day celebration of its twenty-fifth year. The celebration has centered on the dedication of a new $500,000 student Union building, and with it has been held a five-day conference on "Education of Women for Social Responsibility."

Strong Unity, Money Called Key to Freedom

Dr. Tobias Cites Racial Victories Won Through Organizations; Lodge Celebration

By JAMES L. HICKS

NEW YORK, N.Y. — Colored people could win their freedom if they would organize their collective strength into a closely-knit unit and back up that organization "with the kind of money we throw away," Dr. Channing T. Tobias, director of the Phelps-Stokes Fund, declared last Friday.

Dr. Tobias was guest speaker at the Prince Hall Masonic Temple as the Cornerstone Lodge of Prince Hall observed its 70th anniversary with a dinner attended by more than 150 persons.

Speaking on some of the "less dramatic phases" of the colored man's struggle for freedom, Dr. Tobias devoted much of his talk to ways in which colored people are making gains "without rallies at Madison Square Garden."

No Objection to Rallies

He pointed out, however, that he had no objections to such rallies and had himself presided over two at the Garden. But it is through organization that they are going to generate the strength necessary for the freedom they seek, he said.

Citing the recent victory in the courts where colored students gained the right to attend the University of Maryland, Dr. Tobias termed this "an epochal" decision and a "landmark on our road to freedom which we cannot ignore."

Stating that such a victory was attained in a "less dramatic" way than some other gains made, Dr. Tobias asked his audience whether they actually knew the importance of having someone like Thurgood Marshall of the NAACP forever quietly fighting for their freedom.

Economic Pressure

Turning his attention to the avenues of "economic pressure" said colored people spend "a lot of money and I wonder whether we are spending it wisely." He added that many spend their money in such a manner as to "enrich our sworn enemies."

He also scored the failure of colored people to adequately use their power of voting. Joseph Dyer of Mt. Olive Lodge, toastmaster, complimented Cornerstone Lodge on its 70th birthday. Louis Fair of Prince Hall Masonic Temple, and worshipful master of Cornerstone Lodge, David Wilkins. also were present.

Folsom tells Negroes—

America leads in fight against all prejudices

An all-Negro audience here yesterday heard Gov. James E. Folsom declare that America is making more progress toward removing prejudices than any other nation in the world.

Speaking before a crowd estimated at 3,000 in the Sixteenth Street Baptist Church, the governor said there are prejudices between nations, races, religions and communities.

A sprinkling of "amens" from the audience underscored Folsom's references to "prejudices."

Fans waved almost in unison, as the audience sought relief against the heat and heard Folsom say America has "just about conquered prejudices between states, which so often lead to war."

HE SAID he hoped the United States "by education would go further forward in conquering our prejudices between the races, at the local level."

Folsom termed the world situation "not so good." Although he didn't mention Korean fighting by name, he mentioned the "miniature war" which has broken out "across the sea."

"Whatever happens," he said, "let's pray for Divine guidance for the leaders of this nation who will make the decisions on this disturbance.

"We all must stand together. Our problems between states, between regions, must come second to our nation's problems.

* * *

"IF THERE IS PEACE we will continue to make progress to eliminate prejudices in the United States.

Folsom apologized for being 45 minutes late at the meeting, designated "Business League Day" and sponsored by the Greater Birmingham Negro Business League.

He said "certain emergencies" at Montgomery delayed his leaving there.

The governor drove up to the church, got out alone, made his talk, then, perspiring freely, walked down the back entrance, accompanied by the pastor, the Rev. Luke Beard.

His back was sopping wet as he shook hands with part of the throng on his way to his limousine.

Racial Barriers Crumbling Down, Theologian Says

New Haven, Conn., Oct. 22 (AP)—The dean of Yale's Divinity School today said a "bloodless but extremely effective revolution in race relations is sweeping the United States."

Dean Liston Pope said the effects of this "nonviolent revolution" have been "as drafted and are undoubtedly more stable than if bloodshed had accomplished it."

Said the Yale theologian:

"The racial barriers had divided us cruelly for so long are tumbling down, and America is on the march toward more democratic racial practices."

He termed this new wave of optimism, however, by saying: "It is noon too soon, for the whole world is watching us as we march."

It May Come In Next Term—

Bid For Supreme Court Death Blow At Segregation Expected

News Sept. 6-11-50 Pittsburgh-Ala.

But Tribunal Is Traditionally Slow To Take Such Far-Reaching Actions

38a Petition

BY PAUL M. YOST

WASHINGTON, June 10—(AP)—The Supreme Court probably will be asked in its next term to strike a final, knockout blow at segregation of Negroes.

But the court is traditionally reluctant to take action so sweeping. So it is a good guess that such a request will not be granted in the immediate future.

The court took a lusty swing at segregation in two decisions announced last Monday as the 1940-50 term ended. Chief Justice Vinson, speaking for himself and all his associate justices, banned segregation as practiced at the Texas and Oklahoma state universities.

Basis of the decisions was that these universities did not provide truly equal opportunities to Negroes. Vinson spoke these possibly fateful words:

"The 14th Amendment precludes differences in treatment by the state based upon race."

* * *

Lower Schools Next?

MANY LAWYERS believed that in time the ruling will be extended to "unequal" high schools, grade schools, and other tax-financed state and municipal services.

New decisions in such cases presumably would be merely virtual repetitions of last Monday's rulings: If the state (or county or municipality) is not giving Negroes the same treatment as it gives whites in tax-supported services, it must admit the Negroes to white schools, cafeterias, libraries, parks, swimming pools and the like.

Some close observers of the Supreme Court's work now predict another type of case will be rushed through lower courts to the highest tribunal for the more important knockout plea.

The case would be one in which a state contends it is providing truly equal facilities for Negroes and whites, and Negroes concede the facilities are equal.

This would give Negroes the basis for a demand that the Supreme Court declare any and all segregation is, in itself, a form of discrimination banned by the 14th Amendment.

Enforcing Question

THE COURT ALSO WOULD be asked again to overturn an 1896 decision that segregation is constitutional as long as "separate but equal" facilities are provided for Negroes. The justices were asked to do this in the Oklahoma and Texas cases. They did not, explaining it was not necessary to do so to decide the cases.

Then, too, should the court take up some new case in which white and Negro facilities are concededly equal, it could, of course, reaffirm the 1896 decision and uphold validity of separation of the races.

A decision against any and all segregation could raise a new issue graver than any racial problem, one well-informed court observer said.

This is the unsolved question of the Supreme Court's power to enforce its ruling against a state. After 160 years of the court's existence, this power is still doubtful.

* * *

Georgia's Answer

IN 1793 THE SUPREME COURT upheld a damage claim filed against Georgia by two South Carolina citizens. The Georgia House replied to the Supreme Court's decision by passing a special bill.

This provided that any federal marshal who tried to serve any paper issued by the Supreme Court in the damage case would be "guilty of felony and shall suffer death . . . by being hanged."

Outcome of the case is obscure because the Eleventh Amendment to the Constitution was passed soon afterward and the case was largely forgotten. The amendment exempts a state from suit by a citizen of another state.

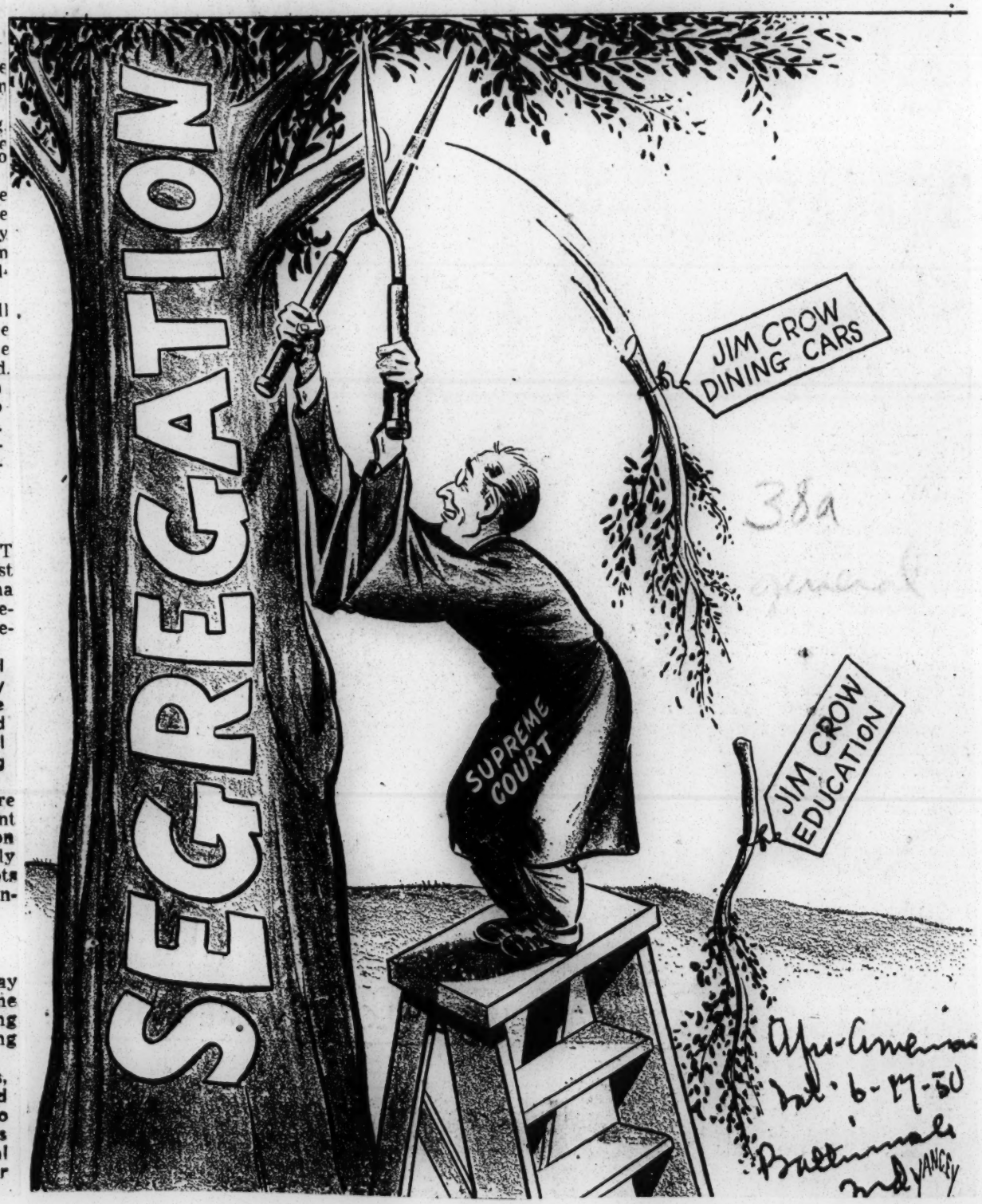
* * *

Tidelands Battle

SOUTHERN RAILROADS say they will comply with the Supreme Court's Monday decision ordering an end to segregation in dining cars.

In contrast to the railroads, Texas and Louisiana are expected to press a fight in Congress to overturn the Supreme Court's Monday decisions that the federal government has top rights over their oil-rich tidelands.

A Quicker Job Could Be Done With an Axe



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Afro-American
Dec. 6-17-50
Baltimore Md
YANCEY

Elmer W. Henderson
G. W. McLaurin
Heman Marion Sweatt

In Segregation

'Equal' Tenet Hit Before High Court

By Chalmers M. Roberts
Post Reporter

Before a standing-room-only audience, Attorney General J. Howard McGrath yesterday asked the Supreme Court to end the 54-year-old doctrine of "separate but equal" facilities for Negroes and whites and thus strike a major blow at racial segregation in this country.

The Cabinet officer, in his first appearance before the court in his current post, said that while "no act of Congress, no decision of this court can eradicate the evil of racial prejudice," the court's forthcoming ruling could either "solidify" present racial barriers in the United States or it could "to a large degree undermine these barriers and bring them into disrepute."

The court was hearing the case of Elmer W. Henderson, a Washingtonian who was denied service in a Southern Railway dining car because he was a Negro. He lives at 3729 Jay st. ne. After the Henderson case arguments ended, the court began consideration of the first of two associated cases involving segregation practices at the Universities of Oklahoma and Texas. Arguments will continue today.

There was an atmosphere of history-in-the-making in the high ceiling courtroom yesterday. The only vacant seat while the Henderson argument was going on was that of Justice Clarke, who, as Attorney General, had approved the Government's intervention. He returned for the Oklahoma case.

On hand, along with scores of Negro and white lawyers, were such spectators as Mrs. Alben Barkley, wife of the Vice President, and Mrs. Morris Cafritz, Washington society figure. There was attention to lawyers' arguments such as is seldom paid by the casual tourists who drop in for a few minutes to see the court in action.

It appeared the audience sensed it was sitting in on a case the like of which the court had not seen since the days of Dred Scott some 93 years ago.

Much of the argument by attorneys for both sides added to a feeling that the issue was more political than legal.

Henderson's Lawyer Speaks

McGrath declared that if the lower court's position is sustained and dining car segregation rules upheld, "then I believe that a serious blow will have been struck at the free institutions which our democracy so proudly proclaims before the world and the last hope will have vanished that under our constitutional system all men can expect to be treated with equality based upon their human dignity and personality."

Henderson's lawyer, Belford V. Lawson, jr., declared McGrath's position was "encouraging to us who have lived and suffered so long under the iron heel of the proconsul Jim Crow."

He asked the court to strike down the ruling in the Plessy case of 1896, the basis of the "separate but equal" practices, "so that the words written on the facade of this temple (the Supreme Court Building)—'Equal Justice Under Law'—will be a reality."

On the other side, Allen Cranshaw, attorney for the railroad, declared Henderson was not kept from sitting at a table reserved for whites when all seats reserved for Negroes were filled because of his race.

He said the dining car segregation was "to keep peace and order." His statement brought a round of laughter from the audience and Justice Frankfurter observed:

"Then the way to keep peace and order is to keep empty seats at tables?"

Finally, Representative Sam Hobbs (D., Ala.), told the Court that God was the "first author of segregation" because "he made mankind to be different in color and facial characteristics." He said the two late Negro leaders, Booker T. Washington and George Washington Carver, had been his friends "and if they were living today they would echo my sentiments."

ICC on Railroad's Side

Hobbs was asked to appear by some of his colleagues on the House Judiciary Committee but the Congressman ended his appearance by thanking the Court for listening to "the case which I have presented for the Congress."

Cranshaw, Hobbs and Charles Clark, attorney for the Interstate Commerce Commission, all argued that Congress has been "silent" on segregation and that any action to strike it down is up to the legislative, not the judicial, branch of the Government. The ICC is on the railway's side of the case. The Justice Department entered the case to take the opposite position. The department also is on the side of the two Negroes in the Oklahoma and Texas university cases.

It was far from clear, yesterday, however, that the court would accept what Lawson called "an historic obligation" to decide the issue of segregation and whether it is forbidden by the Fourteenth Amendment, which calls for equality for all.

Justice Frankfurter several times stated that it would not be necessary to decide such a constitutional issue if the railway segregation is illegal under the ICC law. Justice Burton indicated agreement at one point.

Perlman Follows McGrath

Solicitor General Philip B. Perlman reinforced McGrath's contention that the act of segregation itself is unequal. He contended that there can be no such thing as "equal" facilities even though physical facilities are equal.

McGrath put it this way:

"Unless the law deals only with the trappings of equality and not with its substance, unless we are prepared to say that the requirements of equality are to be measured solely in terms of knives, forks, food and table linen, then this court should strike down the provisions of the ICC holding" dismissing Henderson's complaint against the railroad.

Before hearing the arguments, the Court handed down one decision. In it Justice Reed, for the majority of five, outlined a new procedure under which a person convicted in a State court could appeal direct to the Supreme Court. If the high court refused his plea, Reed said, then he may take his case to the Federal district court.

Justice Frankfurter wrote a caustic dissent in which Justices Black and Jackson concurred.

The court was asked to outlaw the Georgia county unit system of voting with a request for a ruling before the Democratic primary in that state on June 28. The ancient system is backed by the forces of Gov. Eugene Talmadge who have advanced the primary three months this year. A special three-judge Federal court has upheld the system, 2-to-1.

The high court agreed to hear the case of a Quaker teacher sentenced to prison for telling one of his students to stand his ground in refusing to sign a draft card. The teacher is Larry Gara, dean of men at Bluffton College, O.

Segregation Cases Under Advisement

WASHINGTON, April 4—(AP)—The whole question of racial segregation in schools was fought out before the Supreme Court Tuesday by four Negro lawyers and white attorneys for Texas and Oklahoma.

The basic arguments for the two sides:

The Negroes—The only purpose of any kind of segregation is to symbolize the "alleged inferiority" of the Negro, and it is banned by the 14th Amendment to the Constitution which forbids any state to "deny to any person the equal protections of the laws."

The two Southern states—segregation does not stem from prejudice but is aimed to keep the races from mixing too closely, which the white lawyers said bith whites and Negroes wish to avoid, and to prevent conflict which might result.

The highest Tribunal took school cases from Texas and Oklahome under advisement late in the day, along with another case argued Monday in which segregation on railroad dining cars in the South was at issue.

EDUCATION IN REVIEW

Issue of 'Separate but Equal' Facilities for Negroes Argued Before Supreme Court

By BENJAMIN FINE

Whether the system of segregation in education, adhered to by the seventeen states of the South, shall be permitted to continue—in this instance on the college and graduate levels—was argued last week before the United States Supreme Court. This is the first time that the doctrine of segregation as such has actually been challenged in the nation's highest tribunal.

Not only educators, but politicians, lawyers and many citizens are aware of the significant issues involved. Many Southerners have warned that a reversal of the segregation policy would be disastrous and lead to riots and bloodshed. On the other hand, it has been argued that this would be a tremendous affirmation of American democracy, a triumphant answer to the Communists, both here and abroad, who say that the United States talks but does not practice democracy.

Three suits are before the court. Two of them involve education. The third involves transportation facilities. All three, in essence, seek the reversal of a fifty-four-year-old decision that "separate but equal" facilities for Negroes give them the "equal protection" guaranteed by the Constitution. That decision encompassed transportation alone. It was extended to cover education in other recent Supreme Court decisions. Now it is being contended that "equal but separate" facilities are not sufficient to create equality, either in education or transportation. It is felt in some quarters that since the education cases now before the court do not concern either elementary or secondary schools the decision may not encompass them.

For many years attempts have been made to bring up the level of education received by Negro children to that received by white children. There have been great improvements. However, at no time have Southern leaders accepted the principle of nonsegregated schools.

Improvements Seen in South

Those who favor the one-school system maintain that if the Supreme Court reverses past rulings, public education will improve in the South. On the other hand, advocates of the dual program warn of dire consequences in any court decision that might upset local tradition.

In one of the education cases now before the court, G. W. McLaurin, a Negro professor seeking a doctor's degree in education, asserts that he was not allowed to attend classes with white students at the University of Oklahoma. Professor McLaurin was admitted to the university, but said that he was forced to sit in an anteroom adjoining the regular classroom. The university has since abandoned this practice for one of segregation in the same room. McLaurin added that he was not permitted to sit wherever he wished in the library but was restricted to a separate table in the balcony as well as to a separate table in the students' cafeteria.

In the second case, another Negro, Herman M. Sweatt, was refused admission to the University of Texas Law School at Austin, but was told that he might attend a newly established law school at the Texas State University for Negroes at Houston. Here, too, the "separate but equal" doctrine has been attacked as depriving Mr. Sweatt of the same quality of education as the white students are receiving.

The third suit, that of Elmer H. Henderson, challenged the laws which forced him to sit in a portion of a Southern Railway dining car curtained off from white passengers.

That the basic issues involved have attracted widespread interest is indicated by the fact that several dozen briefs have been filed with the court in the three cases, including thirteen in Mr. Sweatt's case alone.

Opposing Briefs Filed

Briefs characterizing "separate but equal" facilities as a sham have been presented by the National Association for the Advancement of Colored People, the American Veterans Committee, the Congress of Industrial Organizations, the American Jewish Congress, the National Lawyers Guild and various others, including 188 eminent law professors.

Opposing statements have come from the states of Texas and Oklahoma. They have been supported by Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

In the Henderson case, Representative Sam Hobbs of Alabama submitted a brief for himself and some of his colleagues. This attacked a Federal policy statement made by Solicitor General Philip B. Perlman, that the "separate but equal" doctrine was fallacious. It is necessary, insisted Mr. Hobbs, that the Department of Justice support the Interstate Commerce Commission, which will not act against a railroad as long as it provides equal facilities for both races.

Argument in these cases comes at a time when the question of racial segregation is attracting considerable attention in the nation. It is particularly acute in Washington. Only recently a large white school there was turned over for the use of Negro pupils. A theatre has been opened on a non-segregated basis, and three Negroes are testing in court a restaurant's right to refuse them admission.

Previous Court Actions

Although the question of racial segregation has been before the Supreme Court in recent years, no definite action has been taken on the controversial "separate but equal" doctrine. In 1948, the tribunal ruled that covenants that would prevent the sale of real estate to Negroes were not legally enforceable in the courts.

The "separate but equal" dictum goes back a long way in Supreme Court history. In 1868 a Negro woman, Catherine Brown, tried to board a "white" railroad car from Alexandria, Va., to Washington. When she was ejected, she brought suit. The Supreme Court ruled in 1873 that separate accommodations, even if identical, were not equal under the Constitution, and that the railroad had violated the law.

However, in 1896 the court took a different view of segregation in Plessy versus Ferguson. The issue was whether a Louisiana provision for separate railroad accommodations denied equal protection. The court held that the segregation did not stamp Negroes "with a badge of inferiority" and that segregation was justified under the "separate but equal" ruling.

At the hearings last week Attorney General J. Howard McGrath challenged the fifty-four-year-old Supreme Court ruling; he asked the court to declare unconstitutional the entire practice of racial segregation. The Government was convinced, he declared, that the "separate but equal" ruling is an "anachronism which a half-century of history and experience has shown to be a departure from the basic constitutional principle that all Americans, regardless of their race or color or religion or national origin, stand equal and alike in the light of the law."

Students' Argument

Attorneys for the two students told the court that Negro and white students can never get an equal education as long as segregation is practiced. But the states involved were deeply disturbed at the possible consequences of a nonsegregation policy. They held that Negro and white students must be segregated to prevent racial unrest.

Although Oklahoma law requires separate schools for Negroes and whites, this state, because of a shortage of money, admits Negroes to the white graduate school and has not established a separate school. The university assigns a separate row to its twenty-four Negro students. The university has dropped the original practice of seating them in an anteroom. Assistant Attorney General Fred Hansen of Oklahoma told the court that Negro and white students have cooperated and are respectful to each other.

At this point, Justice Harold H. Burton raised a question, which perhaps may give a clue to the court's thinking.

"Then there's not much point to segregation, is there?" he asked.

"Possibly not on the graduate level," Mr. Hansen answered. But he added that on the lower educational levels "difficulty could arise."

The court is expected to hand down its decision before it recesses in June. There is little question that, whichever way it goes, the impact on education in particular and on the public in general will be great.

WHITE SUPREMACY BUNK FLOPS:

U. S. Pupils Reject Race Superiority Idea

Despite the stereotyped ideas of racial superiority and inferiority which have been built up by the films, in textbooks and over the radio, high school pupils throughout the United States reject, by a wide margin, the idea that colored people are members of an inferior race.

This was disclosed through a Purdue Opinion Survey in which thousands of representative pupils were asked several questions as to such a belief, which 71% answered negatively.

That the myth of racial superiority has been rejected by so many of our youths was surprising to poll takers, inasmuch as the contention that colored people are inferior has long been the stock in trade of those who would assign them an inferior position in the economic and social scheme of things.

Use Scripture as Propaganda

They even quote scripture, saying that the curse put upon Ham is clearly evident in the inferiority of members of the colored race, today.

One of the reasons for the founding of Negro History Week was to teach members of both races facts which prejudiced historians have distorted or neglected to relate that reflect the credit of colored people, so that the stigma of inferiority might be wiped out.

It has been pointed out that scientists do not accept the theory of the racial inferiority of colored persons, but it had never been tested how effective their pronouncements have been in diminishing ideas of race supremacy.

Belief Held Rationalization

Biologists, anthropologists, psychologists and sociologists agree that the evidence does not lead to a conclusion that any one race is superior to any other race.

The psychologist says that the belief in the racial inferiority of colored people is often only a rationalization—a kind of mental soothing syrup to put whites' conscience to sleep; or if it is not that, it is a prejudice learned from one's family or associates.

To find out what views and to what extent high school pupils of both races hold of each other—that of racial superiority or the scientific view — the poll was taken.

7 of 10 Not Prejudiced

The following series of questions was asked each pupil:

Is a colored person a member of an inferior race? What is your answer? How would colored persons answer? How would whites answer?

The over-all results, the poll disclosed, are much more in agreement with the scientific than the prejudiced view. More than seven out of ten pupils say "no" to the first question.

	Your Answer	Col.	Whts'
Yes	29%	20%	58%
No	71%	80%	42%

These answers, irrespective of the pupils' grade, indicate that pupils believe their fellows to be more prejudiced than they actually are, individually.

Inferiority Feelings High

It is when a sampling of pupils' ideas on the question of racial superiority is broken down on a racial basis that the fact emerges that a sizeable proportion of colored pupils, 28%, believe themselves inferior to whites; while only 19% of white pupils think colored ones believe themselves inferior.

Pupils	Your Answer Yes		Col. No		Whts. Yes		No
Col.	28%	72%	28%	72%	64%	36%	
Whts.	29%	71%	19%	81%	58%	42%	

It is noted that in their "own" answers, colored and white pupils agree almost exactly. Colored pupils predict the exact answers of others of their race in general, while whites overestimate the amount of superiority feeling among those of their race.

Accept Stereotypes

The curious fact that 28% of colored pupils believe themselves inferior to white ones shows that, as a group, they generally accept whites' judgement and stereotypes, and are no better instructed concerning the scientific evidence about their race than are the whites.

As might be expected, the South as a region belives more strongly in inferiority of colored people than does the rest of the nation. Some 46% of Southern pupils voted "yes" to the question; and 54% "no."

This shows, however, that even in the South, the majority of high school pupils would not uphold the doctrine of "white supremacy."

Jews Less Prejudiced

In all other regions—East, Midwest and Mountain Pacific—only 23% believe the colored race to be inferior. However, in each region the youths overestimate the existing prejudices to about the same degree.

Among religious groups, Jews believe less in the inferiority of colored persons than those of other faiths. Protestants are the most prejudiced.

	Protestants	Catholic	Jews
Yes	29%	28%	22%

Students from higher income homes also believe less in inferiority than those from lower income homes—25% and 30%, respectively, the survey revealed.

Bias Found In America Shocking

Intolerance Meets Students Here To Seek Civilization

NEW YORK—The pattern of racial intolerance encountered by African students coming to this country in search of civilization, embitters and shocks them, according to the report of a study made under the auspices of the British and United States governments with a grant by the Carnegie Corporation.

The key figures in the preparation of the report, made public at the offices of the Phelps-Stokes Fund, 101 Park avenue Saturday, were Dr. Ruth C. Sloan of the State Department and Ivor G. Cummings of the Colonial Office.

Dr. Channing H. Tobias, director of the Phelps-Stokes Fund, announced on behalf of the fund that the project was strictly private and not official in character.

COVERED NEEDS

The study covered the needs and ambitions of 410 native African students now in the United States. Most of the students came here inspired with a desire to aid their homelands toward independent status or simply to better the lot of their fellow-countrymen, it was found.

Mr. Cummings wrote that the "rigid pattern of segregation" in southern states creates an undesirable atmosphere for the foreign students who were exposed to "the grave domestic problem of race relations atmosphere that exists."

TREATMENT IN CITY CRITICIZED

Some of the students were said to have been "very much embittered by the treatment they received right here in New York." Many others saw little to distinguish segregation in the South from discrimination in the North.

Ignorance on the part of Americans about Africa also distressed the average native who came here, the report said. The students said they have trouble convincing Americans they have seen lions, elephants and other African animals only in our own municipal zoos.

American colleges were chosen because they offered a wider range of courses. The survey dealt with 301 students who came from Algeria, Angola, Cameroons, Ethiopia, Gold Coast Kenya, Liberia, Morocco, Nigeria, Sierra Leone and Southern Rhodesia. They favored studies in agriculture, business administration, engineering, education, home economics, liberal arts, science and, curiously, most of all, pre-medicine.

The report maintained that this yearning for a medical degree derived from a hope to attain high prestige at home and money. However, few of those enrolled can earn the passing grades and must in time shift to other interests. Dr. Sloan said.

Liberal Daughter of Dixie Sees Old Hate Pattern Waning

WASHINGTON

A white-haired daughter of Dixie visited Washington last week—but there was not much of the Old South about her. Although born in Georgia and married to a Confederate general, her opinions on the race question are probably causing many of her late relatives to turn in their graves. The lady is Mrs. Helen D. Longstreet, who said last Friday:

"I feel that I have lived to see 'the glory of the coming of the Lord' in seeing a Federal Southern Judge champion the civil rights of colored persons. Mrs. Longstreet was referring to Judge Waties Waring of South Carolina. She considers him and Lillian Smith representative of the "reawakened hearts and consciences of the South."

She also is heartened by personal experiences which she herself has had. "Forty years ago," she explained, "I was asked to speak at a colored ceremony near Macon, Ga. This was something no white person in Georgia was supposed to do in those days. Last year, I spoke for the NAACP in Houston, Texas. The mayor and all of the most important white citizens were there. They wouldn't think of staying away."

Supreme Court Takes Up Segregation Case

WASHINGTON, April 3—(AP)—The Supreme Court today took up the question of whether enforced segregation of Negroes violates the constitution.

Up to now the legal doctrine has been that if "separate but equal" facilities are provided there is no unlawful discrimination against Negroes.

Three Negroes, with the support of the Justice Department, now ask the highest tribunal to rip out the judicial props to segregation with a ruling that "equal rights" must always mean the same, identical rights.

Some lawyers say such a ruling could mean that Jim Crow would be legally dead in this country. Most racial segregation in the U. S. has been based on the "separate but equal" doctrine.

A preliminary brief filed by Solicitor General Philip B. Perlman, the government's lawyer before the Supreme Court, asserts:

"Equal facilities, if separate, are rarely ever equal in a physical sense. In most situations they have been used to cloak glaring inequalities. And the very idea of separate facilities, or separate rights, is in itself a negation of the full and complete possession of privileges and immunities of citizenship."

The brief supports the appeal of Elmer W. Henderson, a Negro of this city.

HENDERSON was a war-time traveling representative of the Fair Employment Practices Commission. He said he was unable to get a meal on a Southern Railway Company diner during a 1942 trip to Birmingham. Later Southern railroads adopted a policy of setting aside a table or two for Negroes in a curtained section of dining cars.

But Henderson pressed his fight against such separate facilities.

"Segregation is discrimination, not only because inequality invariably accompanies segregation but because the very idea of separateness," he says.

The Justice Department in supporting Henderson is in the unique position of opposing the case of another government agency—the Interstate Commerce Commission. The ICC approved dining car segregation. Henderson's case names as respondents the Southern Railway and the ICC. The ICC will ask the high court to approve its segregation action.

Another unusual development in the case is that Rep. Hobbs (D., Ala.), a member of the House judiciary committee, entered the legal battle in opposition to the Justice Department and Henderson.

He said he did so at the request of other members of the committee. The court gave Hobbs 15 minutes to present his views orally. In a preliminary brief Hobbs asserted:

"To adopt the contention of Henderson would be the kiss of death and render operation of the railway impossible. Fourteen times the House has voted against anti-segregation proposals. The constitution granted complete and exclusive power to regulate interstate commerce to Congress. In the exercise of that power the Congress has repeatedly refused to require more than the rules in question indicate."

* * *

AFTER THE HENDERSON case is argued, the court will call for argument tomorrow on an appeal by G. W. McLaurin, an Oklahoma Negro. He is attending the University of Oklahoma, but protests that he is required to sit apart from white students.

Finally, the court will hear the case of Herman Marion Sweatt, who was excluded from the white law school of the University of Texas. Sweatt refuses to register in a new law school set up by the state for Negroes.

Must Face 'Rights' Problem To Solve I

Trying To Dodge Issue Of Discrimination Accomplishes Nothing: Solution Will Require Work And A Lot Of It

By ALLAN L. SWIM

IN MY OLD HOME town, down in Arkansas, we were taught to say "Nigger" before we were old enough to learn there was such a word as "Negro."

To us Italians were "Wops" and the words "Jew" and "Kike" meant the same thing.

Most of us developed a dislike for Mexicans—although we didn't know any Mexicans—and we made dirty remarks about the small number of Catholics in town.

We regarded ourselves as being real, 100% Americans—the stuff from which the backbone of the nation was made.

We accepted our segregated schools without question and we saw nothing wrong with the shacks in "Nigger Town."

Ah, yes, we were smart brats—but more brats than smart.

I MENTION these things here because I'm getting tired of the apologists who say, "Swim, why don't you go a bit easy on that civil rights stuff? You don't understand the problems we face in my section of the country.

"Sure, we know the CIO is right and you're right—but you just can't rush things too fast. It's going to take time to get things straightened out."

it's going to take time and probably a lot of it. And it's going to take work, too.

But the job will never be done if we keep putting off until tomorrow the work that should be done today.

And nobody solves problems simply by refusing to face them.

IN TOWN AFTER town, all over the country, the CIO has tackled knotty problems resulting from racial and religious prejudice.

It hasn't been able to find a solution in every case, but it has made much progress.

It has demonstrated time and again that men and women of different races, creeds and colors can work together in harmony in the factory and on union projects.

Civil rights legislation wouldn't wipe out prejudice but it would eliminate many of the undesirable results of prejudice.

Certainly the time has come for the U. S. to make a real attempt to abolish second-class citizenship.

PREJUDICE IS not confined to any specific region of the nation. It exists all over the country.

It exists wherever men attempt to judge their fellow men not by their ability and accomplishments but by their race, creed or color.

Much of it results from ignorance. Much of it stems directly from fear. Much of it is kept alive by economic insecurity.

Prejudice is an individual matter—ar as individuals we can do much to eliminate it.

We can point out the unfairness of discrimination to everybody who will listen. We can examine our own attitudes, straighten out our own thinking, improve our own practices.

Sure it's a difficult problem, but it's one we must solve if we're ever going to have a full democracy in this country.

The CIO's anti-discrimination work has had a real impact on the community—but, frankly, not enough of an impact.

There is still segregation in many schools, on transportation facilities, in restaurants and hotels.

There are still many business firms which will not give good jobs to members of minority groups.

There are still states which do not grant full political rights to Negroes.

LEGISLATION alone would not eliminate all of the evils resulting from prejudice, but it would help a lot.

A real Fair Employment Practices Commission would do much to provide equality of employment opportunities.

Outlawing the poll tax as a prerequisite to voting would help eliminate abuses of the right of franchise.

Passage of laws doing away with segregation would give to a large number of persons many privileges now denied them because of their color.

Let's look at it this way:

He's Got the Horse By the Tail

Forty years ago, when we first started out in the public life of Oklahoma, we recall arriving one night in Anadarko to find a black man from Texas scheduled to make an address. The town was all agog because this man alleged he was running for the legislature in Texas. We went out and heard the speaker, a man by the name of Betts, who that night made a slashing attack on evil conditions existing in Texas and what he planned to do about it when he got into the Texas legislature.

We thought that night and we are still contemplating upon the relationship and effect a speech made in Caddo county, Oklahoma, would have upon the candidacy of this man in a political sub-division in Texas, who was making speeches north of the Red River. It appeared to us that something unquestionably was out of joint and that he should be making his speeches in Texas.

Last week we had the same sort of queer feeling when we observed that Oklahoma's attorney general, in a brief addressed to the Supreme Court of the United States, had gone far afield to express belief that an affirmative decision in the McLaurin case would bar all of the Negro teachers in Oklahoma from the teaching profession. The attorney general expresses himself like a lunatic. Here we find McLaurin talking about "today" and Williamson starts talking about "tomorrow." Two entirely different subjects.

Suppose an affirmative decision in the McLaurin case does dump all of the Negro teachers out of a job in the state of Oklahoma. That is not the question before the high court and Mac Q. Williamson knows this. Williamson knows that the court has been asked to pass upon the question of whether or not Oklahoma in its enforcement of segregation practices upon this student, has not violated McLaurin's rights under the guarantees of the 14th Amendment. That something that relates to today, and the actual damages McLaurin suffers at this very moment. Williamson overlooks this fact and goes off half-cocked talking about a matter which may develop tomorrow following the decision regarding the rights of citizens not joined in the McLaurin action.

The Norman Negro student is attempting to defend a personal right regarding the absorption of knowledge. The attorney general overlooks the rights of students and leaps to the defense of teachers. Something is rotten in the state of Denmark. Certain it is the Negro teachers of Oklahoma have not asked Mr. Williamson to join them in the brief he has prepared against McLaurin.

Our notion is the attorney general had method in his madness when he wrote the above referred to brief, that does not meet the eye. We think he had one eye on the supreme court and the other on Oklahoma when he prepared his statement. Mac Q. Williamson seeks to break up Negro solidarity in Oklahoma. He thinks if he can scare some 1500 Negro teachers into the belief that elimination of segregation will mean the elimination of their jobs he may divide Negro strength in the Sooner state. He was certainly not attempting to influence the court with this jasmine, purile logic.

But the weakness of Mr. Williamson's argument rests in the fact he feels that having won the current fight in the supreme court the fight for equality of citizenship will end. He does not envision any further struggle for liberty in this country, and he assumes that his race is so reactionary and unfair, and the Negro spirit at such a low ebb that in an integrated system of education no one will be accepted but white instructors.

We acknowledge boldly this publication is fighting for an integrated system of education, because we know the record shows all separate schools are inferior. Equal education will be achieved when all Americans are offered the same and identical services in kind and quality, but unlike Mac Q. Williamson we envision growth of social decency among white people, and we already see what the attorney general of Oklahoma does not see, or refuses to accept. He thinks in an integrated system only whites will teach, while before his very eyes Negroes already are teaching whites in some sections of the South. Northern schools are full of Negro teachers and if the attorney general, when he gets rich happens to move to California, his child is likely to land in a classroom presided over by a black instructor.

Of course in the change-over from the old system of segregation and second-class citizenship the Black Dispatch realizes there will be some difficulties and handicaps. Such is to be expected. There are always difficulties experienced in change. We do not expect to see the Negro teacher accepted overnight, not because of lack in qualification, but because of the color complex in this section. The truth is proved by surveys that the average Negro instructor is scholastically better prepared than the white. We have the word of the superintendent of North Carolina that this was true in his state when we visited there several years ago, and we believe this would prove true right here in Oklahoma.

Once before the justices of the high court had to reprimand Oklahoma's attorney general when apparently he seemed to think those nine old gentlemen were deaf, as he abandoned reason and began to shout. We predict the court will immediately and curtly reprove the attorney general next week if Mr. Williamson arrives in the nation's capital with a random argument about teachers when the subject is students and students' rights.

When a Majority Is Wrong

The Jackson (Miss.) Daily News recently printed an editorial on the subject of "The New Negro," which was reprinted March 26 in the Memphis Commercial Appeal.

The theme of the editorial was that the old-time colored man was a child, but that the new colored man, while not fully grown, is different. He has more education, he makes more money, he reads more newspapers, and he has the same standards of other Americans.

Because of these things, the News says, the colored man is entitled to equality, but the Southerners are careful to specify that it is equality of opportunity only.

The Constitution does not say anything about equality of opportunity. The 14th Amendment guarantees all citizens the same privileges and immunities.

When the Southern white man talks about limiting equality to opportunity, he had better read over the charter under which this government operates a democracy. According to our Constitution, no citizen can have any privilege or any immunity which is not afforded to every citizen.

The conclusion of the whole matter, according to these Southerners, is that the white man is going to have to make over the ground rules of living, not because he is the Lord's chosen, but because he is in the majority.

Here again our Southern friends are off on the wrong foot. Nothing in our Constitution gives the majority the right to violate the privileges and the immunities of the minority groups.

There are certain fundamentals which belong to all citizens, whether they be in the minority or in the majority, and the majority can fail to recognize this at its own risk.

The rights of Communism, the development of underground movements, the appearance of traitors in large numbers when nations are in direst need of loyalty, all result when minority rights are violated.

As their final blast, the Southerners say the colored man must "wait quietly and patiently with all the dignity of his soul," until the white man makes over the rules.

This is the most colossal effrontery we have encountered in many years.

England said that about the 13 colonies and, in 1776, we had a Revolution.

England said the same thing about Palestine in 1945 and look at Palestine today.

The birth of new nations, the downfall of old nations comes because misguided elements do not realize that freedom does not wait on anybody's whim.

There come times when patience is not a virtue, when races, as well as nations, are not too proud or too afraid to fight for what rightfully belongs to them.

American U. President Blasts Away at Racism

Tells 400 at League Dinner U.S. Must Act; 8 Named to Board; 3 Others Given Awards

BALTIMORE

America will lose face with the world if she fails, at home, to live up to her proposal for international human rights, Dr. Paul F. Douglass, president of the American University, declared here Monday night.

Dr. Douglass spoke to more than 400 guests gathered at a dinner session in the Morgan State College refectory which closed the celebration of the silver anniversary of the Baltimore Urban League.

The United States proposes, he said, that "all shall be equal before the law and shall be accorded equal protection of the law," and that "every one shall be accorded all the rights and freedoms defined in the International Covenant on Human Rights, without discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, birth or other status."

"The United States, if the Covenant is ratified, will bind itself, 'within a reasonable time' to give effect to the rights defined in the Covenant, and those of us who are concerned with the human problems of our world must be concerned that our country affirms these principles," the speaker declared.

Points to Baltimoreans

Singling out a "Baltimorean" whom he referred to as a partner of Sen. Millard E. Tydings, with offices in the Union Trust Building here, and a former member of the board of trustees of the American University, Dr. Douglass compared him with the late Sen. Theodore G. Bilbo of Missisippi.

He said that it had been necessary to request the Baltimorean's resignation from the board after receiving a letter in which protest was made against acceptance of colored students at the university.

EDITOR'S NOTE: The references indicated that the Baltimorean referred to is Murray Benson (Social Plesantries Benson), former Corporation Counsel of Baltimore.

Said Dr. Douglass:

"Were it not for the fact that I must use his thought pattern by way of introduction, I should like to forget Sen. Theodore Galmore Bilbo, of Poplarville, Miss.

"But a person concerned with American history cannot neglect what the Senator has put in the record in the United States Senate, which he calls the 'only free forum in the world,' the only place on earth where the legal right to filibuster is the weapon which makes it possible for a minority to override the human rights of human beings.

"Six months after white men dropped atomic bombs on yellow men at Hiroshima, Citizen Bilbo said on Capitol Hill:

"I said segregation was a law of nature. It is natural in the animal world. We do not see horses out in the meadow and lining up with cows. Hogs and sheep keep apart.

"That general law applies to the human race. People of the Mongolian races associate together. They intermarry and want to live together and do business together. The same is true of Indians.

"The Negro race is the only one I know of which is ashamed of its race and which tries to obtain for itself social equality with the white race.

"Most of its leaders preach that segregation and mongrelization and intermarriage between the whites and the blacks is the only solution for the race question in this country.

"I would rather see my race and my civilization destroyed by the atomic bomb than to see it destroyed by the slow, subtle, insidious campaign or mongrelization. One method is slow, the other is fast. I would prefer the fast method."

in Baltimore, Md.

While We Fought Racism

"I want to read you a letter, which I received from Baltimore in the summer of D-Day in Normandy . . . when we were defending civilization against the Nazi racism menace . . . the day 2,876,439 assault troops landed on the beachhead, supported by vast equipment, aircraft, etc.

"In the summer that this vast operation to keep the world free was being executed, a well-known citizen of Baltimore wrote me this letter:

"I am in receipt of several communications complaining about the enrollment of colored students at the University. Although technically the University is located in a Federal jurisdiction, geographically it is located within one of the border States. By reason of this location, it inherits the racial problems which are incident to areas in which there is a substantial colored population.

"I think you will also find that in the geographical area in which you find yourselves, separation of the races is not only recognized by the communities themselves as being the best way of preserving interracial peace and tranquility, but that it has been declared by the courts to the normal policy.

Sees Integration as "Idealism"

"The ideal situation does not exist. Racial antipathies, however unreasonable they may be, do exist. Social reforms which ignore fundamental facts can be distinctly anti-social in their effect.

"I have no doubt that the action of the University in refusing to discriminate between the races proceeded from a very lofty idealism. It is, however, my feeling that it proceeded from a misconception of fact and a misunderstanding of just what constitutes an ethical approach to the problem.

"I don't think anybody can fairly say that God intended an amalgamation of the races. If He had, it seems odd that He should have set the whole natural order against it. The half-breed is the pariah throughout the earth.

"The races which are distinguished by the color of their skins have, in addition, odors which are repugnant to other races. This would seem to indicate that there was no divine sanction of the ultimate of the social co-mingling of these races."

"I refer to Senator Bilbo merely to confirm the fact that his anti-democratic pattern of thought is not alien to the ideas of very well-known and influential citizens, not only

Alexander J. Allen, executive secretary of the Baltimore Urban League for the past eight years, who leaves this week to become secretary of the Pittsburgh League, received a watch as a farewell token.

During his annual report, Mr. Allen announced that he had been informed of the Department of Public Welfare's approval of the opening of city hospitals for training of colored interns.

Supreme Court Reversal On Segregation Is Asked

WASHINGTON—(UP)—Atty. Gen. J. Howard McGrath asked the Supreme Court yesterday to reverse the 50-year-old doctrine of "separate but equal" facilities for whites and Negroes.

He said segregation laws violate the Constitution and breed race prejudice and friction.

McGrath, appearing before the high court for the first time as Attorney General, made his argument as the tribunal took up the first of three segregation cases it will hear this week.

The Justice Department, with the approval of President Truman, has thrown its full weight to the support of Negro appellants in all three cases.

Yesterday's case involved the segregation of Negroes on dining cars by the Southern Railroad Company. It was brought by Elmer W. Henderson, who said he was denied a seat on a Southern Railroad diner in 1942. A three-judge Federal Court in 1948 upheld the legality of separate dining facilities.

The other two cases involve segregation of Negro students in State universities in Oklahoma and Texas.

Supreme Court gets Georgia County Unit Case. Story, Pg. 6.

All three cases contest a doctrine laid down by the Supreme Court in 1896 which held that the Constitution permits segregation of Negroes and whites provided each race is accorded equal treatment.

McGrath asked the high court to repudiate that doctrine. He contended that segregated facilities are not and never can be equal in the full sense of the word.

The idea of segregation, he argued, is a form of inequality and discrimination. It is intended, he said, "to signify that each member of the colored race is not equal to any member of the white race."

SAYS 'PINKY' TELLS STORY:

German Girl Finds No Democracy Here

By B. T. GILLESPIE

ABOARD THE CHAMPION EN ROUTE TO RICHMOND—"If you have ever seen the picture, "Pinky," you will know what I mean when I say that the German people will never fight on the side of the United States against Russia . . . it is natural for German people to go communist rather than democratic."

These are the words of a German girl sitting opposite me as she converses with her tan GI train companion, just back from Germany.

Try as hard as I may, I find it difficult to sleep in the midst of this sober conversation between a German girl and a colored soldier, both of whom claim they have been kicked around by white America.

"Two and a half years I spend in America," the girl said, "and I have seen nothing that would make me want to be democratic. And any German girl who is stupid enough to come here and stay deserves to be kicked around."

Sees Selfishness in Aid

One other question, I asked "How do the German people regard the economic help America is giving them?"

"They feel that it comes from a selfish motive. If there was no fear of Russia there would be no help from America."

She spoke with a pleasant, but firm voice, that was convincing.

No Practiced Religion

The young woman said that about three years ago she married an American soldier who brought her here in a big air liner . . . in big style, but had scarcely given her food to eat since. She has a little girl about two.

Speaking of religion she said: "They talk about teaching the German people religion . . . how do they expect to teach us religion when they come right out of the church door on Sunday and call you n . . . r?"

She continued, "I want no parts of America because I have found out that a German girl can be nothing but a stool pigeon in white society."

The young matron, a pleasant blond with deep blue eyes, was en route to Petersburg, where she said her husband is stationed at Camp Lee. "I am trying to get papers signed so I can take my little girl out of America."

Thought Slavery Over

Speaking of the social setup in America, she asked, "What about all this segregation and discrimination here? I thought that there was no more slavery after Lincoln."

Replied her companion, "Wait until you get to Petersburg . . . you will find out."

My eagerness to ask the young woman a question became strained, so I asked; "What do the German people think of Stalin?"

"Oh, Stalin," she replied, "he is a friend of the common people . . . American people think you should be proud to be in America. Stalin is not like that. He believes in freedom for all people."

Looking Backward Towards 1949

Announcement in October by President Truman that an atomic explosion had recently occurred somewhere in Russia had perhaps the most sobering effect upon the civilized world than any other event in 1949. There was not much secret the Western Nations of Europe were being held within the Atlantic Pact group because of the security America's sole possession of the atom secret gave them.

If Russia has the atom secrets it means standing armies and the old military techniques vanish. It means that overnight Russia might control the western coast of Europe from the North Sea to the Mediterranean. The people inhabiting Western Europe are conscious of this fact and one bomb dropped in a cow pasture in Yugoslavia could conceivably convert the Marshall Plan nations instantly into a frenzy of demoralization rendering them entirely helpless. Americans can recall the fright and terror that gripped America immediately following the attack on Pearl Harbor. Emotionalism of far greater intensity would strike fear into the heart of Europe immediately following an atomic attack, for all the world knows the horrible experiences of humanity at Nagasaki and Hiroshima.

It is entirely possible that this exposure of Russian power may in the next twelve months turn the thinking of America and the world towards the philosophy of Henry Wallace, who feels like millions of the earth's population that capitalism and communism can find some peaceful meeting ground.

Coupled with the discovery that Russia has conquered atom secrets, is the victorious sweep made by communist armies in China during the past twelve months. Momentarily it is expected the new authority in China may challenge British rule on the island of Hong Kong and in Malaya. This is but a natural sequence to the successes achieved the past year in continental China, and the continued presence in China of the English is unquestionably a red flag in the face of world peace. The British in Asia represent a powder keg that may explode at any moment.

Entertainment of the Premier of India and the Shah of Persia in recent weeks are all indicative of the desire of the Western World to make new alliances with dark people, but it should be recalled that in several of his addresses while in the U. S., Nehru specifically pointed to the suspicions dark people now have of the white world. One significant feature about Nehru's remarks was it was all inclusive when he talked about minority groups. The successor of Gandhi included Africa in his discussion of a free world, something quite evidently new to Western thinking.

And there are evidences that the African along with other dark peoples are determined to secure self determination. Unrest exists today in Africa from Egypt to the Transvaal. England, France, Portugal and Belgium are all today feeling the impact of a disturbing rebellion that finds expression on the Nile and Congo. It is a new note that they have not heard before in three centuries, especially south of the Sahara.

Indonesia has released herself from the strangle hold of the Dutch, and even in the Caribbean there is a strong current of feeling that the millions residing in this lush tropical climate should have the right to fashion and pattern their own existence without the overlordship of U. S. and decadent nations of Europe.

The only dark picture shown on the canvas of freedom in 1949 developed in the unwillingness of the United Nations to extend freedom to the former Italian colonies. Originally carved out of Ethiopia to convert the black kingdom into a land-locked empire, the delegates to the United Nations are forgetting the infamy of the Italians when they showered mustard gas down upon helpless women and children in the mountain fastness of Ethiopia. Efforts are being made to return a portion of this territory to Italy and thus give the Italians another foothold immediately adjacent to the kingdom of Haile Selassie. It might not be amiss in passing to dispense information that Russia is opposed to this vicious principle of colonialism that destroys Ethiopia opportunity for a coast line and international commerce.

In America last year the stubborn attempt of President Truman to force civil rights legislation through congress is the only trickle of political light for which the nation should feel pride. Truman has sought to compel the two major parties to assume their moral obligations shouldered during the Philadelphia conventions, but while a recalcitrant congress has refused to respond to the President's urgent plea, the conscience of the nation has been stirred as never before. Millions have begun to see with unusual clarity the hypocricy and deceit that is developing cancerous growth in our governmental functions.

An outstanding example showing the growth of social decency within the U. S. developed in the late summer when a Mississippi college refused a bequest of $50,000,000, tagged with the stipulation that henceforth the college must teach white supremacy and exclude Negroes and Jews. We really believe white people are ashamed today because of their inability to assume moral leadership of the world, and are seriously making a genuine attempt to correct their mistakes. It is a difficult task, since demoted citizenship, with all of its intrigues, have for three centuries had the sanction of church and state. Millions now are ready to take democracy out of the ritual.

Selecting a Negro for a federal judgeship; as a director of a big New York bank; lowering the racial bars in the AMA; in the white nursing association and in the tax supported schools are all evidences of the change of heart that is coming over the white man. Of course there is continual croaking of the Ku Klux Klan and other un-American organizations, but the great American people—the millions who are not members of hate groups—are endeavoring with all of their heart and strength to make amends for the wrongs they have committed. As the world today looks down upon delinquencies in the American social order, this nation for the first time remembers the philosophy of Booker T. Washington, who said "No man can hold another down in the ditch without getting down in the ditch with his adversary." The Methodists and Catholics are outstanding in current advances in brotherhood, but the Baptists and Episcopalians are lagging in their belief that "out of one blood God made all of the nations of the earth."

In Oklahoma last year great strides were made in democratic practices. The legislature in its closing session passed

Meet Us In St. Louis

We pick up The St. Louis Post-Dispatch and read an editorial, saying in part:

"The Gentle People of Prejudice."

That is the arresting title of an article by Prof. H. A. Overstreet in The Saturday Review of Literature. It is arresting because it seems so contradictory. What can gentleness have to do with prejudice?

Would gentle people slug Mexicans? Would they shoot at Nisei farmers? Would they beat up a Jew? Would they fire the shack of a Negro sharecropper?

Of course not, and yet all of these crimes are committed because of gentle people—Prof. Overstreet's gentle people of prejudice. These are the otherwise courteous, considerate, diligent, self-respecting people who insist that they have a right to choose their friends and neighbors—and then draw the line against a whole class of their fellow citizens. They draw that line not because of the character of a given individual, but simply because he belongs to a group.

And the gentle people do nothing or almost nothing to break the pattern which they have helped to set. Timidly, they refrain from seating a Jew at their table or a Negro in their church. They may deplore prejudice in words, but they confirm it in action, or rather in the failure to act.

And they have their excuses. It is hard to go against an established social pattern. The older the pattern, the harder to deviate from it. Yet who is to break it?

Then we pick up The Advertiser and read this AP dispatch:

NEW YORK, Jan. 30—(AP)—Ralph J. Bunche, former U. N. mediator for Palestine, says in an article in The American Magazine that racial discrimination in Washington, D. C., is scandalous. Bunche is an American Negro.

"If I visit Washington today I can't buy a meal, order a drink, see a movie, or, with very few exceptions, rent a hotel room, except in the Negro section of town," Bunche wrote in the article made public Monday night.

Who is to break the established social pattern? The Post-Dispatch asks.

Now The Advertiser is not one of those papers that believe the present pattern of things is going to endure for all time. But the St. Louis paper wants a touch-the abolition of segregation in the swimming pools brought riots?

It is quite plain from the evidence right down now, and asks who will carry the here in the Cradle of the Confederacy ball. Where's a better place than Washthat the future holds changes, the same ington, D. C., where Bunche can't get into as the past. a hotel, or St. Louis, where last summer ers will promise to watch attentively

meet us in St. Louis for this—short.

a bill permitting Negroes for the first time in the history of the state to attend a white tax supported college. The bill carried with it a segregation amendment, but to the credit of growing liberalism white students at Oklahoma university have ignored the law, to shame the anti-social tendencies of Oklahoma's law makers.

Langston students in the earlier months of the year showed remarkable growth of spirit and interest in public affairs when they picketed the Oklahoma legislature and demanded an opportunity to be heard on the question of educational equality. The intestinal fortitude of one of the professors, Roscoe Chesley, in leading this student protest is a fine expression of academic freedom which more Negro teachers should emulate. Unquestionably the fervid manner in which the state is going about the building paved roads erecting new buildings, developing the stadium, and doing a score of other delinquent tasks on the Langston campus emphasizes the fine results obtaining from intelligent protest. No longer should be heard the voice of the Uncle Tom black who is always on hand to say protest hurts rather than helps. Keep in mind that in addition to installing Negro boys and girls in the University of Oklahoma and the A. & M. college, where they are getting the same kind and quality of education afforded white youth, in addition the NAACP is wholly and entirely responsible for all of the improvements now being installed on the Langston campus.

The fight must be continued to place Negro youths in the state medical and nursing schools. The requirements are a little higher but the Black Dispatch is sure there are among Oklahoma's black population a Dan Williams or a Charles Drew. No one should consider that the fight for freedom is won in Oklahoma. In fact it has just begun.

The state Negro Democrats should take a leaf from the book of the Oklahoma Conference of Branches, NAACP. We cannot have the proper and normal political integration in Oklahoma unless the jim crow set-up is totally abandoned. It is entirely noticeable that the Negro Democratic association has given no official recongnition to the fight for educational equality in Oklahoma and this results from a traditional policy to jump into every election seeking to find the winning horse without thought of the attitude of the party or the candidate respecting certain vital subjects. The stark naked truth is that Negro Democratic orrganizations in the past have been geared to selfish job hunts and nothing else. The Black Dispatch suggests the Negroes of the state beware of the antics of this organization unless the leaders of same in the future select candidates they support, based upon their position first of all on civil rights, and in particular upon those vital issue now being stressed by the NAACP in Oklahoma at the present time. Some day the Negro voter must grow up and cease being childish.

In Oklahoma City there was advance made this year in recreational facilities as shown by the park board's adding an additional two days that Negroes may attend the Lincoln Park zoo. Negro citizens must fight continually until all of the restrictions of this character vanish, and despite the fact the park board still clings to its idea of segregation, the additional two days given, must be assessed for their true value. It means that the walls of segregation are crumbling and that in the foreseeable future they will entirely vanish.

Threat of the NAACP to fight for enrollment of Negro youth in Central high unless comparable courses, in character and quality are offered at the new vocational-technical high school, must be assessed for its constructive value. Some of our local Uncle Toms have been shaking their heads since this assertion of the NAACP, but those who think harm is being done should remember that all of the current feverish rush being made at the moment by the Oklahoma City school board to have some sort of a vocational school functioning before the next semester, is the direct result of efforts school officials are making to prevent Negro students from showing up at Central. While we are sure the new school will in no wise be ideal, it will be a start in the right direction and this is progress. Keep your eye on the ball. The NAACP is speeding up the work on the new vocational school.

While the NAACP may hesitate a while to observe what the Oklahoma City school district is going to do along this line it will in no wise affect the same movement in other sections of the state where no progress along this line is being made. This relates to such cities as Muskogee, Okmulgee, Tulsa, Enid, Ardmore, Shawnee and Chickasha. What Negroes must fight for unrelentingly is the type and character of education that will send their children out into the world able to compete with skilled workmen anywhere in the universe.

Off The Bench

By JUDGE WALTER B. JONES

Segregation

"THE NEW AGE MAGAZINE," February, 1950, issue, which is published at Washington as the official organ of the Scottish Rite of Freemasonry, S. J. U. S. A., contains a statement on "Segregation" by the Honorable John H. Cowles, 33 Degree, the Sovereign Grand Commander. He presents a fresh approach to the matter and the words of this illustrious American deserve and will receive serious consideration.

JONES

Commander Cowles writes:

"Much has been written, printed and spoken about the segregation of the races. Emphasis has been placed on the thesis that God created all people and, therefore, all are entitled to be received and treated equally on matters of economics, social activity and politics.

"Most people have misinterpreted the meaning of the word equality. It would be difficult to find two men with the same quality of mind, alertness, good judgment and acumen in labor, inventive capacity, literary appreciation and accomplishment, or in any endeavor whatsoever.

"The Acts of the Apostles (King James' Version, The Acts 17:24-27) reads: 'God that made the world and all things therein . . . hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation; that they should seek the Lord. . . .'

"My opinion is that human blood, which is different from animal blood, does not imply oneness of the races. God made skins of various colors, white, black, brown, yellow, and he placed them in various parts of this planet, as the verse just quoted from The Acts points out. It seems to me that, if God wanted all the races to be equal, He would have made them that way.

"Today we find various races wanting to assimilate with the white race, but experience shows that, whenever opposite racial strains intermarry, the resulting offspring does not inherit the best in each race, but rather produces the worst elements in each racial strain.

"The solution to the conflict now in evidence between various racial groups lies in each group making its own members so outstanding in character and ability that they will be as proud of their race as the white man is of his. Then the question of race assimilation will automatically answer itself.

"Each race has its own characteristics, its own culture, its own abilities, and each race can make a definite contribution to the advancement of the world's civilization. As men master the difficulties of one another's languages, perhaps in time a language will be agreed upon as a common denominator. Some have contended, and with much logic behind their position, that English should be the universal language because it is already spoken by over 200,000,000 of the human race (one-tenth of the world's population) and another 200,000,000 speak it as first choice after their native tongue. Besides that most of the great books that have been written in other languages are, for the most part, translated into English.

"Segregation leaves each racial group free to pursue its own customs and culture, and also free to alter its own customs and culture as a result of the influence of other racial groups, and, over the years, the differences in language and culture that now separate men will become less acute and thus make for greater harmony in the human family of races and nations."

Editor says democracy isn't for whites only

MEMPHIS, Tenn., Dec. 9—(AP)—Hodding Carter, editor of the Greenville, Miss., Delta Democrat-Times, says one of the keys to preservation of democracy is greater tolerance.

"We can't have a democracy for whites only," he said Friday night in an address sponsored jointly by the Memphis Atlantic Union Committee and the Southwestern (College) International Relations Club.

Carter, a Pulitzer Prize winner, listed three major ways "how not to help Atlantic Union."

Try to blame our present situation on a single scapegoat.

Fail to face certain facts. "We can't fight a global war against both the Oriental hordes and Russia. We must have a priority and I say that priority is Europe."

And forget what can be done at home. He urged unity among all Americans, including "that 10 per cent of us who are of a different color."

Elmer W.Henderson
G.W.McLaurin
Heman Marion Sweatt

NATIONAL AFFAIRS

Three Cases Strike at Legal Props of Segregation

By Chalmers M. Roberts
Post Reporter

BLOCKED in Congress, the Truman Administration this week carries its civil rights battle before the Supreme Court, where it seeks a ruling that would knock down the legal props of racial segregation in the United States today.

If the Government should win and the court should strike down the 54-year-old doctrine of "separate but equal" facilities for Negroes and whites, the Administration's victory would be more far-reaching than even the result of the FEPC bill which it cannot get through Congress.

"The separate but equal" doctrine says that segregated schools, buses, restaurants, hotels and other public gathering places do not violate the Constitution, including that part adopted as the post-Civil War amendments designed to aid the newly freed slaves.

It is this doctrine, under attack before the court in three cases to be argued this week, that is the legal rock on which are built the segregated schools of 17 States and the District of Columbia, as well as other segregation practices of the South—and partially of the North, as well.

The betting around town, however, is that the court majority will find a way to duck the red-hot issue. It is a well-founded legal rule that the Supreme Court does not determine constitutional issues if other grounds for decision exist.

McGrath Debut Likely

TO LEND emphasis to the Administration's backing of civil rights measures, Attorney General J. Howard McGrath may argue one or more of the cases. He has yet to argue a case before the high court since taking over that post.

A decision voiding the "separate but equal" doctrine in one or more of the three cases—they will be argued one after the other, beginning Monday—would not immediately end any segregation practice. It would affect only the specific case. One involves railroad dining car segregation, another the segregated University of Texas Law School and the third the segregated classes in the University of Oklahoma Law School.

First, a look at the three cases and then some history behind them.

1. Elmer W. Henderson, now director of the American Council on Human Rights here in Washington, was a wartime employe of President Roosevelt's FEPC when he was denied service on a Southern Railway segregated car. Such cars today are divided by a curtain into tables for whites and Negroes. Henderson attacked the practice as unconstitutional but lost the case in the lower courts.

2. Heman Marion Sweatt of Houston seeks admission to the State university's white law school. He has told the State Supreme Court he would not attend a segregated law school, no matter how "equal" it might be in facilities. The State recently opened a Negro university at Houston with law school facilities.

3. G. W. McLaurin is the first Negro ever admitted to the University of Oklahoma Law School, but he is required to sit in a corridor outside the classroom door during lectures and otherwise to use the facilities on a segregated basis. He is challenging this practice as unconstitutional.

Other Cases Affected

SEVERAL other cases which have not yet reached the Supreme Court may stand or fall on the court's ruling in these three. Included are the recent cases in which the Court of Appeals here upheld the District's segregated schools by a 2-to-1 decision and a suit challenging the segregation practices of the District Recreation Board.

Similar cases being litigated in the States likewise are dependent on the outcome of Henderson-Sweatt-McLaurin. Even if "separate but equal" should be struck down, further years of litigation are in prospect, not to mention possible congressional and State legislation.

The Justice Department has entered each of the three cases as a "friend of the court" to support the Negroes. In the Henderson case, Alabama's Representative Sam Hobbs has been granted permission to argue the Southerners' case, something he was asked to do by several of his Southern colleagues on the House Judiciary Committee. Numerous groups have submitted, or have sought to submit, briefs as "friends of the court" in all three cases.

Extent Is Disputed

THE Thirteenth Amendment to the Constitution ended human slavery. This amendment was aimed at the Federal Government, the States and private persons as well—it was all-embracing.

The Fourteenth Amendment, which contains the famous "due process" clause, was aimed at the State governments and their local governmental offspring. It attempted to extend to the Negro the rights of the whites. But the scope of that action (including the intent of those who drafted and passed on it) are matters of dispute, including the disputes before the court this week.

The Fourteenth Amendment says in part: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

This amendment became part of the Constitution in 1868. Before and after its enactment, Congress passed a number of civil rights acts, the last of which (1875) declared that all persons should be "entitled to the full and equal enjoyment of the accommodation, advantages, facilities and privileges of inns, public conveyances . . . theaters and other places of public amusement . . ." The Senate version of this measure included schools but the House substitute did not.

One authority has written that these statutes "created a new concept of equality: that in the absence of slavery, no man should be subject to the incidents of slavery; that when the reality or substance of slavery is gone, its visible form or appearance should not be seen. The legislation was probably the first attempt in the history of mankind to destroy the branches of slavery after its root had been destroyed."

A Famous Dissent

BUT in 1883 the Supreme Court struck down most of these laws as unconstitutional on the ground that the Fourteenth Amendment was prohibitory only on the States and that the invasion of an individual's rights by another individual was not covered. In a much quoted dissent, Justice Harlan said:

"I cannot resist the conclusion that the substance and spirit of the recent amendments . . . have been sacrificed by a subtle and ingenious verbal criticism."

He noted that the court had approved the 1793 fugitive slave laws, directed against individuals. Then Harlan asked:

"Was it the purpose of the Nation simply to destroy the institution (slavery) and then remit the race . . . to the several States for such protection, in their civil rights . . . as those States, in their discretion, might choose to provide?"

The justice's question is difficult to answer, for no piece of legislation is more contested, and its origin more clouded, than the Fourteenth Amendment. Both sides in the present cases have pointed to the record to prove that the intent of the drafters was on their side of the "separate but equal" argument.

A book has been written on the origins of the amendment, in fact. One of its conclusions is that Congress intended "to make the Bill of Rights binding upon, or applicable to, the States." The book, written in 1908 and frequently quoted by the court, also concludes that it is "quite evident" the amendment was intended to confer on Congress power "to determine what were the privileges and immunities of citizens, thereby being enabled to secure equal privileges and immunities in hotels, theaters, schools" and so forth.

Only Political Equality

IN 1896 the court, in the Plessy case, upheld segregated railroad facilities. The majority held that the Fourteenth Amendment's object "was undoubtedly to enforce the absolute equality of the races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color or to enforce social, as distinguished from political, equality or a comingling of the two races upon terms satisfactory to either."

It is this decision that the Truman Administration is now attacking before the court as a "Constitutional anachronism which no longer deserves a place in our law." The Government points to the same Justice Harlan's dissent in Plessy:

"We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degredation upon a large class of our fellow citizens, our equals before the law.

"The thin disguise of 'equal' accommodations for passengers in railroad coaches will not mislead anyone, nor atone for the wrong this day done."

Texas and Oklahoma—and they are supported by a brief filed by the other Southern States—contend that Congress never intended, in passing the amendment, to prohibit "separate but equal" facilities. The Texas brief says that "Congress itself maintained separate schools before, during and after the adoption of the amendment."

D. C. System Involved

HERE Texas is referring to the District's Negro schools, set up by an 1862 law. Texas considers it "convincing proof" of congressional intent at the time the amendment was adopted, that Congress passed an act consolidating the administration of the Negro and white school systems here under a single Board of Education.

Texas also contends that the right to go to school is not a civil right and never was; that it is a privilege.

The Texas position is that Congress in-

By Jack Lartz—The Washington Post

Elmer W. Henderson, who was denied service in a railroad dining car, is one of the three principals in segregation cases before the Supreme Court this week. Henderson, who lives at 3729 Jay st. ne., is pictured in the office of the American Council on Human Rights, of which he is director

Segregation Banned By Law, Court Told

WASHINGTON—The U. S. Supreme court is scheduled to hear two cases today involving segregation of Negro and white students in state universities in Oklahoma and Texas.

Yesterday, Attorney General J. Howard McGrath told the Supreme Court that racial segregation by law is not permitted under the constitution.

Charging that segregation breeds hate and racial prejudice, the former Rhode Island senator personally appealed to the court to rip down the barriers of segregation.

McGrath petitioned the court to reverse a lower court decision which upheld the right of Interstate Commerce Commission to place its seal of approval on a Southern Railway Co., rule, segregating Negroes on dining cars.

Elmer W. Henderson, director of the American Council of Human Rights, is appealing a federal court ruling in October 1948.

At that time, the court said trat equality of treatment was afforded under the segregated plan and Henderson's constitutional right was not violated.

McGrath contended that segregated facilities are not and never can be equal in the full sense of the word.

The Henderson case, McGrath said, gives the court an opportunity to overturn the "separate but equal" doctrine established by the Supreme court in 1896.

Today, the court is scheduled to hear the Sweatt and McLaurin cases, which challenge segregation in higher education.

The U. S. Justice department is also supporting these two cases, which the attorney generals of Georgia and North Carolina have characterized as the "Most important to the South since the Civil War."

tended to let each State decide "whether it was best for the education of the children of the State that white and Negro students should be taught in the same classroom or in separate buildings with equal facilities for all."

The court's insistence in recent years on separate facilities being equal has resulted in millions of dollars' worth of improvements to Negro school systems. But figures still show that separate facilities are generally not equal.

THE Constitution of the United States is an expression of the balance of powers between the Federal Government and the States in a federal system of union. Back in 1873, the court split 5-to-4 in a case in which the majority held that the Fourteenth Amendment was no transfer from the States to the Federal Government of the security and protection of civil rights: that fundamentally, civil rights are granted by the States, not the United States.

In this day of centralized power, the United States is in many ways an anomaly, even an anachronism, with its Federal system. Now the Supreme Court is asked to determine that system's flexibility to meet the problems of today.

In that 1873 case, a dissenting opinion by Justice Bradley expressed some of today's feeling. He described the Fourteenth Amendment as "an attempt to give voice to the strong national yearning for that time and that condition of things, in which American citizenship should be a sure guaranty of safety and in which every citizen of the United States might stand erect in every portion of its soil, in the full enjoyment of every right and privilege belonging to a freeman, without fear of violence or molestation."

The biggest question of the 1949-50 Supreme Court term is whether the justices will agree.

NY Times' Krock Backs Down on Anti-Colored Sneer

Tries to Clear Up Impression Made in Exclusive With Truman

By LOUIS LAUTIER

WASHINGTON—(NNPA)—Arthur Krock, chief Washington correspondent of the New York Times, entertains no preconceived notions concerning limitations on the capacity of colored people, the veteran newspaperman said last Monday.

In an interview, Mr. Krock denied that he had implied, in a question he propounded to President Truman, that there are limitations on the capacity of colored persons which prevent them from occupying certain positions or doing certain kinds of work.

"Hell, I don't know that that is so," he said. Such questions, he said, are for anthropologists. As for himself, he added, he never deals in generalities except when they are supported by statistics.

"I cannot say there will be only one Pushkin, one Paul Lawrence Dunbar or one Roland Hayes," he said.

Implication to Truman Bad

He added that he thought the potentialities of colored people "are such that nobody can say how great or small they are."

Mr. Krock was asked to clarify the statement he had made as a preface to a question he had asked Mr. Truman in an exclusive interview, published in the Times on Feb. 15. In the phrasing of the question, it appeared that he implied limitations on the capacity of colored people.

Presidents have rarely granted newspapermen exclusive interviews, and every White House reporter and every bureau chief in Washington considered the one Mr. Truman granted Mr. Krock a reflection on them.

Shocked AFRO Publisher

Carl Murphy, pubisher of the AFRO AMERICAN Newspapers, took exceptions to the question Mr. Krock asked the President concerning fair employment practice legislation and asked the Times editor whether its chief Washington correspondent was speaking for the paper or himself.

"When Arthur Krock told the President 'You know intimately the conditions of the colored race and the limitations of its capacity to fill certain kinds of employment, we gasped,'" Mr. Murphy wrote the Times editor, adding:

"We are accustomed to race baiting from the Rankins, but not from the Times.

"Some Americans believe that the Jewish people have certain limitations. I do not believe that.

Explains Difference to Him

"You and I both know that the intelligence tests in the public schools and in the Army tests show that there are colored persons and Jews in every stage from the idiot to genius. It may be true that the percentages vary in certain brackets, but the main factors is that there are some colored people and some Jews in every category.

"Army tests also brought out the fact that colored children in New York City tested higher than the white children in the South.

"Limitations are not due to race and color but to location and to opportunity and to economics.

"I think it important to get from a newspaper of the character and reputation of the New York Times a real assurance that the Krocks do not speak for the New York Times when they talk about limitations of the ability of people who happen to be born colored.

Ridiculous as Foot Question

"Some years ago a University of Pennsylvania psychologist declared that shoes with standard lasts were not suited to the feet of colored people.

"A celebrated Harvard anthropologist replied, 'What is a standard white foot or standard colored foot? Moreover, since when did psychologists become authoities on feet?'

"No reputable scientist by looking at them can distinguish the foot or the brian of one race from another."

Krock Takes Blame

The Times editor referred Mr. Murphy's letter to Mr. Krock, who replied that "the phrasing of my question was a statement of what to me is a plain fact." He added that "The phrasing and concept of the fact was my own and no reflection of the editorial position of the New York Times in this or any other matter."

Mr. Murphy replied to Mr. Krock that "what to you seems to be a plain fact actually is not." He then asked Mr. Krock:

"What is it you have that colored editors haven't, for example, in opportunity, in money, in intelligence, in education, and in refinement:

We Can Do Anything

"What makes you think it is proper for you to make the blanket statement as to the limitations of colored people to fill certain kinds of employment?"

Mr. Murphy added that "We have colored people who can do anything anybody else can do." At the same time, the AFRO president called on Arthur Hays Sulzberger, president and publisher of the Times, to state whether or not the paper believed Mr. Krock's statement.

"Down here we happen to speak for an important segment of our population which wants to know the Times's attitude," Mr. Murphy wrote Mr. Sulzberger, adding:

"Of course, you can decline to say what it is if you wish, but we would very much like to feel that Krock does not speak for the Times."

Sulzbeger Resents Challenge

Replying curtly to Mr. Murphy, the publisher of the Times said:

"The editorial position of The New York Times is expressed from day to day, and I see no reason why we should be called upon for any statement that goes beyond that. The record stands for itself and the record is a good one. I hoped that you might have told me that rather than make it necessary for me to tell you."

In the light of this exchange of correspondence, Mr. Krock was asked Monday to clarify the statement with which he prefaced his question asked Mr. Truman concerning FEPC.

Blames Lack of Development

"What I meant was obvious to me and the President," Mr. Krock said. "The state of development of the average colored person in the United States, which is not his fault," he asserted, "imposes certain limitations on him for certain kinds of employment."

Pointing out that it was only in 1863 that colored persons were emancipated, he said that was too short a time "to expect the average colored person in the United States to reach the state where white, who have had all the advantages, are."

Mr. Krock, who is 63, spent his early life in Glasgow, Ky., and began his newspaper career in Louisville. He holds a master of arts degree from Princeton University and has been Washington correspondent for the New York Times since 1932.

What He Asked

The text of the question he asked the President concerning FEPC and Mr. Truman's reply follow:

Q. You favor the Fair Employment Practice legislation providing Federal police powers in the states to correct employment discriminations, some of which are implicit in the present condition of racial minorities.

You know intimately the condition of the colored race and the limitations in its capacity to fill certain kinds of employment.

Many beleve that education will be required before an FEPC could operate even on a voluntary basis. Why then is it desirable in mandatory form, requiring that the burden of proof be on the employer?

A. The President would not support or continue to support any legislation which deprived a citizen of the right to run his own business, for which that citizen was responsible, as he thought best.

No Danger From His Bill

The President does not agree that the Administration's FEPC legislation would have any such result. If he thought so, he would not be for it, and under him it will not be so administered.

But opportunities to get jobs for which applicants are fitted by every fair test must not be denied in this country on grounds of race, color or any similar discrimination.

The value of the FEPC bill will be to give this position the dignity, strength and clarity of a national policy, not just political, but social and economic as well. For that reason he wants the bill passed, even if it were only to serve as a club in the closet.

No Defense Of Segregation Under God, Dr. Mays Says

Dr. Benjamin E. Mays, president of Morehouse College, said here last night that "No man can claim to be moving under the impact of God who attempts to defend segregation and other restrictions based on race, creed or color."

The keen Atlanta educator advised delegates to the Fifth Southwide Conference of Baptist Theological students that "The Christian worker is obligated under God, to work for passage of civil rights legislation and to work for the removal of all restrictions based on race, color and religion."

Speaking at Wheat Street Baptist Church, Dr. Mays delivered a frontal attack "on those who say you cannot legislate morality."

"These people fail to understand," Dr. Mays said, "that the very things we are trying to change were made by legislation."

Declaring that it is "nonsense and silly to say we can't change things by law," the Morehouse president concluded:

"Law made them. Law can change them. If you legislate evil, you can legislate good."

Dr. Mays pointed out that you "can't legislate prejudice out of a person's mind, but you can restrain that person from imposing his prejudice on other people."

"The Civil Rights Program," the well-known scholar said, "merely says to prejudiced people you must not call upon the police and the law to protect you in your prejudice."

Hammering away at the evils of segregation, Dr. Mays averred:

"I don't know who suffers the most from segregation — the object of the segregation or the imposer. They are both slaves!"

Discarding the microphone, the Morehouse president moved to the front of the rostrum and declared fervently:

"As Christian workers you are obligated under God to talk about civil rights, to write about civil rights and to preach about civil rights."

The Southwile conference of Baptist Theological Students is an interracial movement of Southern Theological students which has been meeting at Morehouse College since Wednesday.

Students from more than 16 schools participated in the conference. Joe M. Conley, of Louisville Ky., is executive secretary-treasurer for the movement.

O. A. Brinkley, Virginia Union Theological student, presided at Thursday night's meeting and Paul A. McDaniel, Morehouse student, was general conference chairman. Thursday night's session concluded the conference.

Taft Tells Negroes to Adopt Slow Approach to Problems

By the Associated Press

CLEVELAND, Oct. 30.—Senator Taft told an audience of Negroes yesterday that a "slow, steady" approach would best solve their race's problems with white people.

"You will recall," the Ohio Republican seeking re-election said, "that mine was the first FEPC bill introduced in the Senate. It is far more likely that the Republicans can pass this type of legislation than the Democrats with their Southern affiliations.

"I believe the proper way to approach this problem is to advance steadily the position of the colored people until it is on an equal with that of the whites.

"Proper education, steady pressure and persuasion will, although slow at the start, proceed far faster to this end than a compulsory law which drags people into court and produces a million lawsuits."

Seventeen Members of The Ananias Society

Attorney generals from seventeen southern states are this week joined in a brief before the Supreme Court of the United States in defense of segregated schools and in what they regard as proper safeguards to justifiable police power of state government.

In a 38-page instrument these southern advocates suggest to the court that in the Herman Sweatt case, which is a companion case with the McLaurin issue eminating from Oklahoma university, lie the seeds of destruction which will eliminate from the pattern of Dixie living separation of the races in grade schools, colleges, parks, swimming pools eleemosynary institutions and other public facilities. The brief recites "The result of such a decision would be a tragedy to the public generally, both white and Negro, in the states concerned."

Forgetting entirely the thesis of southern education boards, who justify differentials in Negro and white teachers salaries on the ground that Negro teachers lack proper training and are not as proficient in this profession as white instructors the attorney generals strangely take a stand for Negro instructors with this statement, "To say that a college for Negroes with equal facilities and an equal number of equally qualified Negro professors is unequal to a corresponding college for whites is to brand the Negro race with an inferiority to which these state do not subscribe."

Think of such hypocrisy. The whole framework of segregation is based upon the theory the Negro is inferior to whites. Yet to win a point before the nation's highest judicial tribunal we find the attorney generals from Mississippi and Georgia in the above statement affirming their belief in the equality and sufficiency of Negro mentality. To say the least, here we find a type of intellectual dishonesty of the most culpable character.

And in the next breath these scoundrels offering only lip-service to truth, aver that separate schools in the South are equal. They present their argument to the court on this assumption, when every white and black school child in Dixie if put on the stand would voluntarily swear in any court that one may tell the difference between a white and Negro school down South by an inspection made a block away from the structure. The worst lie that can be uttered in the South is the charge that separate schools are equal as compared to the kind and quality of education offered whites. Yet without any seeming compunction whatever, seventeen southern attorney generals, including Mac Q. Williamson of Oklahoma, make this statement this week before the Supreme Court of the United States.

To justify their position on segregation the brief offers in evidence a statement made by Booker T. Washington many years ago at the Atlanta Exposition, at which time the Tuskegean won his spurs with southern whites when he said, "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress." It was in this speech and in his later book, "Up From Slavery," that Washington spelled out the theory of "gradualism" which immediately immortalized him with those who believe in perpetuating second-class citizenship upon the blacks.

And then the brief, following a statement in which the allegation is made there is no prejudice among white people in the South against blacks, immediately proceeds to spell out in plain and understandable language the fact that prejudice does exist and the attorney generals say prejudice is mutual as between the two groups. Here is what the brief says:

"It can safely be said that there exists no desire to discriminate and no prejudice or hatred against Negroes in the minds of a large majority of white people in the South. On the other hand, it must be admitted that there does exist in the minds of majority segments of both whites and Negroes an abiding prejudice against intimate social intermingling of the two races. Experiences of the past have left marks that no laws or court decisions can erase overnight. It is a mistake for any 'observer from afar' to assume that prejudice and fear against 'crossing the color line' in intimate social contact are limited to the southern white man alone. They exist just as strongly in the average Negro man of the South. Negro men do not want their daughters, wives, and sweethearts dancing, dating, and playing with white men any more than white men want their women folk in intimate social contact with Negro men. 'White trash' is the hated name which southern Negro apply to white men who keep the company of their women folk. Worse names are applied to Negro men who 'cross the line.' The result in the South today is almost universal antipathy toward intimate mixed social relationships. The results of the disregard of these circumstances in the past have been tragic to both races, physically, socially, and politically. Peace and order have been broken here as in St. Louis, Washington, Chicago, and Detroit."

Strange as it may seem, and despite the fact there is no prejudice existing, the brief of these august Dixiecrats proceeds to detail to the court information that every time the two races meet on a basis of equality riots and trouble start. Incidents in Washington, D. C., St. Louis and Alton, Illinois, are detailed in graphic language to present the picture that the nation generally is not ready for the elimination of segregation.

The brief then plunges into discussion of what it calls "Separate-Equal Schools." No mention is made of "Separate-Unequal Schools" which of course is the whole issue in the Sweatt-McLaurin litigation. We are quite sure NAACP attorneys will develop this viewpoint so that the high court will not be confused as to this angle of a very important subject.

And then following the assertion that Negro teachers are equal to whites (which is true) and alleging that the facilities offered Negro in southern schools are equal, the brief of the Southerners ends with a threat that if the courts hold with attorneys for the NAACP and with Sweatt and McLaurin there is likelihood that public education will be abandoned in the South. In this respect the brief avers:

"As heretofore shown, loss of the right to furnish equal educational opportunities in separate schools would effectively destroy public education in many southern states. This result would injure our Negro citizens as much if not more than our white citizens. Far more white people would be able to send their children to private schools and church schools. Without segregation the development of the public school systems of these various states would have been an impossibility. This would have been to the disadvantage of none more than the Negroes."

In conclusion the brief says:

"The decisions of this Court, rendered by some of the ablest justices in its history, have firmly established the principle that the states, in the exercise of their police power for the safety, harmony, and welfare of all their citizens, may furnish education to their white and Negro students at separate institutions where substantially equal facilities and opportunities are offered both groups.

"The exercise of this police power of the states has been necessary, and this Court has found its exercise to be reasonable and constitutional. The necessity still exists.

"The argument that the Fourteenth Amendment was intended to abolish all distinctions based on race in the public schools is completely without foundation. The contemporaneous and later construction by this and other courts, by the Congress, in maintaining separate schools in the District of Columbia, and by the legislatures of the various states is to the contrary. The debates on the Fourteenth Amendment, the Civil Rights Acts of 1866, 1870, and 1875, all show that the majority of the very men who proposed the Fourteenth Amendment and the other acts believed the states continued to have the power to establish and maintain separate schools."

IN ATLANTA, GEORGIA

Jim Crow Suffers Black Eye

ATLANTA, Ga.—When an official of the Georgia Workers Education Service Institute attempted to enforce segregation at the City Auditorium meeting last week, Negro students and delegates and trade union members walked out. Later when the jim-crow issue was put aside and Negroes and whites sat together, some of the apparently race-baiting members walked out.

Mrs. Olive C. Haskins, director of the GWES, made the announcement that led to the walk-outs. She said the body must adhere to local segregation laws on the municipal property. Police were called to the auditorium, but left after advice by management and those in charge of the meeting, it was reported.

Students of Dean B. R. Brazeal of Morehouse College ignored the jim crow edict and scattered among the delegates. No arrests resulted.

GWES previously had not allowed the injection of the jim-crow issue at its meetings. Board members promised to thresh out the issue at the next meeting.

Negroes Win Fight To Open Swimming Pool

OXFORD, Ohio—A suit filed a year ago by the local branch of the NAACP, resulted, last week, in the opening of the municipal swimming pool here to all races. Common pleas Court enjoined village officials from restricting use of the pool to whites.

Says Trooper Prevented Photo of Governor, Negro

Constitution State News Service

FORT VALLEY—Hank Griffin, photographer for the Macon News, said he was prevented by a State Trooper from taking a picture of Gov. Talmadge shaking hands with a Negro yesterday.

The Governor was principal speaker at the thirty-fifth annual Ham and Egg Show here.

Gov. Talmadge said he shook hands with R. T. Church, Negro County Agent; Otis O'Neal, special agent in charge of the show, and Pres. C. V. Troup, of Fort Valley State College, but the Governor added, he had no knowledge of any photographer being refused permission to take a picture.

Griffin said the trooper who prevented him from making the shot did not say under whose orders he was acting. His identity could not be learned.

The photographer said later he was allowed to take pictures of Talmadge with the Negro officials without any hand shaking.

A few minutes later in his speech Gov. Talmadge said "The mission of the approximately 2,000,000 white and 1,000,000 colored people in the State of Georgia is to build up the State for all. One cannot benefit at the expense of the other," he said.

Something for Nothing?

The Editors: A letter dated Oct. 9, 1950, stated that Negroes are getting more than they deserve, and they are using the white man's dollar for everything.

That is untrue. The Negro works hard for everything he gets. If the white man gives him anything it's because he hasn't paid the Negro for his labor.

It's the white man who expects to get everything for nothing. All through the years he has worked the Negro for a low salary and he has enjoyed all the luxuries from the Negro's labor.

Marietta. CLARA MAYES,
FLORINE GRESHAM.

Park Manager Says Zoo Open To All Benches, Swings, Eats Barred Race

Although Grant Park facilities are available to Negroes, a city ordinance prohibits them from sitting on the benches, using the swings or eating lunches on the grounds, Pierce Whitney, Grant Park manager, said here Monday.

Whitney was questioned about the racial policy of the Grant Park Zoo by an Atlanta Daily World reporter, who told him that many people have asked about the arrangements for Negroes in view of the fact that they intend to give to the Coca Fund.

The park manager said that the zoo is open "to all". He declared that many Negroes had visited the park and specifically Coca, the trained elephant, which was killed last week to ease the pain of a defective leg.

However, Whitney said that a city ordinance of "about 1940 or 1941" forbids Negroes from "congregating" on the benches, using the swings or eating lunches on the grounds. He was of the opinion that Washington Park was for that purpose.

Whitney added that Negroes can stop in front of the cages to watch animals "as long as they want to," or walk through the park.

The conduct of Negro children, who have used the park, he said, has been exemplary.

Jack Savage, city attorney, could not be reach late Monday afternoon for comment on the reported ordinance.

New Yorker Files Suit Attacking Georgia Laws

NEW YORK — (SNS) — A New York business man has asked the Federal District Court to declare all sections of the Georgia code dealing with segregation to be null and void.

James L. P. Rumple charged in the suit that nine sections of the Georgia Code of laws "contravene" the U. S. Constitution and are therefore unconstitutional.

The Petitioner asserted that he is a colored person engaged in a business that will soon take him to Georgia.

Rumple charged in the unusual suit that the segregation laws of Georgia will "work to his harm and damage and place him in peril of life and limb and subject him to arrest....."

He asked for relief through a declaratory judgment.

Immediately questions were raised as to the legality of the suit. Legal opinion was divided as to its soundness.

While some lawyers stated categorically that the suit will be promptly dismissed another said that the case "presupposes that the action is brought in the jurisdiction where the question is raised," in this case Georgia.

However, the source reasoned that the case would be tossed out anyway because it is "academic," which means that Mr. Rumple has not yet suffered harm from the Georgia codes.

This barrister said that in any legal action there must be two parties to make what is known as a justifiable issue."

THE PULSE OF THE PUBLIC

The Constitution welcomes letters on either side of any subject. They should not exceed 300 words and must be signed, although names will be withheld on request. We regret none can be returned. Address all letters to Editor Constitution, Atlanta, Ga.

'Race Issue'

Editor Constitution: It seems to me that some of Georgia's citizens who are competent and sincere would save Georgia from once again being termed as a State where a candidate who spreads race prejudice has the best chance of being elected to office.

Both Talmadge and Thompson are guilty of being such candidates. Talmadge says "Thompson is for FEPC." Well, I would only like to remind Mr. Talmadge that if an FEPC were to be passed in Congress, he would be completely helpless in trying not to enforce such a bill in this State because the bill would be under the regulations of the Federal Government.

And as for Mr. Thompson, I think that his recent speech on condemning Mr. Talmadge for begging for Negro votes is utterly ridiculous. Why shouldn't Talmadge try to win the votes of the Negro people as well as the whites, for after all a candidate should make an appeal to all parties concerned and not a select group.

So once again the issues for decent schools, highways and welfare services for the people of Georgia, both Negro and white, have been evaded by turning to a campaign of bigotry and racial hate, attempting to turn whites against blacks.

ST. ELMO REFNOLDS, JR.

Atlanta.

First To Fall

Editor Constitution: So Governor Talmadge of the great State of Georgia vows to hold hatred and segregation taut against our colored fellow Americans down South.

It is not surprising that a State Chief, even democratically elected, can be something far below a moron. But it is a surprise to learn that a Governor of one of our United States has not even opened up a primer in America's history.

The highest tribunal of our land upheld cardinal rights of every American, declared in both Declaration and Constitution and Bill of Rights, in three counts, yet this Hitlerian-minded State Chief, pathologically announces that the color line of hatred, bias, neurotic prejudice and intolerance is to be continued against our fellow Americans of color.

Will some real American Georgian lead this gentleman to a primer in his country's history and point out that paragraph in which this irrefutable fact is stated: The first American to fall in our American Revolution against red-coated Hitlerianism at Boston Common was a NEGRO.

BERT MERLING.

Lindstrom, Minn.

Carry Their Own

Editor Constitution: People of the South, both white and colored, are pretty well sold on the plan of social separation of the races. Should the Negroes insist upon eating in the dining cars the whites would simply carry lunch boxes and thermos bottles, or defer their meals until the end of their journey. The resultant diminution of patronage would cause the railway companies to discontinue dining car service entirely. It is not profitable under present conditions.

FRANCIS L. BAILEY.

Alto, Ga.

Wake Up!

Editor Constitution: A sixth grade student of civil government knows exactly what's happening in Washington and neither Hummon nor Melvin—yea, not even the mighty U. S. Congress—can do a thing about it. Up there a little gang of left wingers like Attorney General McGrath and Sen. Humphrey of Wisconsin have got Harry Truman and the Supreme Court wrapped around their little fingers and what they're doing is simply bypassing Congress and the respective states in gaining their goals through the judiciary process rather than through the legislative branch. It's a neat trick and, if the trend continues, will eventually destroy the legislative arm entirely and project us into a sort of Judicial-Executive dictatorship. Truman, McGrath & Co. bypassed the Congress when they wanted to outlaw segregation in the armed forces and other Federal services, didn't they? Now they've gone and done it again with the outlawing of segregation on diners.

All I have to say is that the people of Georgia and the other states in the Union—not just the South—had better get busy in 1952 and vote out the Truman-McGrath crowd. If they don't, they're going to be without any representation up there at all for it's pretty obvious that Brother Truman has done a job of stacking the Supreme Court with his stooges and yes men that the late President Roosevelt never dared to even think about in his most ambitious dreams for controlling the nation's highest tribunal. If you don't think so, just notice those 8-0 decisions that are handed down on anything endorsed by Truman-McGrath-Humphrey & Co.

JAMES R. BLEEKER.

Columbus.

'Grady On Equality'

Editor Constitution: The recent issue of The Constitution commemorating the 100th anniversary of the birth of Henry W. Grady contains the statement that "he advocated equality of opportunity for the Negro—educationally, politically and economically. He was the exact opposite of those politicians who have exploited the issue of 'white supremacy' as a means of gaining or holding power."

Mr. Grady's position with respect to the fatal folly of racial equality is expressed in the language which he used in his speech at Dallas, Texas, October 26, 1887, as reported in Joel Chandler Harris' Henry W. Grady, published the year following Mr. Grady's death, at pages 99-100. This language is:

"The clear and unmistakable domination of the white race, dominating not through violence, not through party alliance, but through the integrity of its own vote and the largeness of its sympathy and justice through which it shall compel the support of the better classes of the colored race—that is the hope and assurance of the South.

"Those who would put the Negro race in supremacy would work against infallible decree, for the white race can never submit to its domination, because the white race is the superior race. But the suremacy of the white race of the South must be maintained forever, and the domination of the Negro race resisted at all points and at all hazards—because the white race is the superior race."

Tulsa, Okla. PHIL W. DAVIS, JR.

Why?

Editor Constitution: Just a friendly question. You state in effect that the recent Supreme Court rulings on segregation do not affect the South's intentions towards "equal but separate schools" or segregation itself: Granting the Texas case did not provide equal facilities for brother Sweatt, how can you explain the Oklahoma ruling wherein if current reports in the papers are correct, it was ruled illegal to require Negro students to sit in separate rows from the whites, even though in the same room, same classes and same instruction?

If the two races are required to mix indiscriminately in the classrooms then it would seem segregation is ended. Also if we must obey the so-called "Liberal New Deal Judges" in all their rulings why can't the whites be required to sit in separate rows either arbitrarily or on a voluntary basis?

Tucker. A. H. THURMOND JR.

Unusual Suit Filed in NYC

Afro-American Businessman Claims Laws Endanger Life

By JAMES L. HICKS

NEW YORK — In an unusual action filed here last week, a local businessman asked the Federal District Court to declare sections of the Georgia code of laws dealing with segregation to be null and void.

James L. P. Rumple, who filed the suit, charged that nine sections of the Georgia code of laws now in force "contravene" the provisions of the U.S. Constitution and are therefore unconstitutional.

Laws Imperial His Life

Rumpel emphasizes that he is a colored person engaged in a business which will soon take him to Georgia.

His complaint states that the segregation laws of Georgia will "work to his harm and damage and place him in peril of life and limb and subject him to arrest . . ."

Deprived of Rights

He further complained that such laws deprive him of the rights guaranteed him by the Constitution and that he has no adequate remedy from them.

In asking for relief through a declaratory judgement he said his "peril" could be avoid if the court would declare the Georgia laws unconstitutional.

The business man's case caused quite a bit of interest in the calm of the Federal Court.

Legality Debated

The question was raised as to whom notice of the action would be served upon.

When thisquestion was put to a court clerk by the AFRO, he replied: "If you find anyone to serve it on, please tell me."

Legal opinion was divided as to the suit.

Some lawyers flatly stated that it would be immediately dismissed because of lack of jurisdiction of the court here.

May Be Academic Issue

Another legal authority, however, told the AFRO that such a suit "presupposes that the action is brought in the jurisdiction where the question is raised," in this case Georgia and that so far as the suit being filed here, it was perfectly in order.

But, the source added, the case would probably be thrown out of court on grounds that it is "academic," because Mr. Rumple has not yet been affected by the Georgia laws.

The source said there must be two parites to any legal action to make what is known as a "Justifiable issue," and that until Mr. Rumple was affected by such a law in Georgia such a issue could not be made.

JC Statutes Cited

Specifically Mr. Rumple attacked the constitutionality of Title 2, section 6401, Title 18, section 206, Title 18, section 207, Title 18, section 210, section 9904, 9905, 9906, and Title 32 of the Georgia code.

The above titles and sections deal with:

The separation of the races in schools, separation of the races in transportation facilities; the power of train conductors to eject persons not seated with other members of their race; and

Controversy Actual

Mr. Rumple stated in his complaint that it was brought on actual grounds and that it is an actual controversy."

He said he is a colored man "as defined in Title 79, section 103 of the Georgia code.

The section which makes it a misdemeanor for a railroad employee to fail to help a conductor eject a person from a train who has violated the jim-crow seating arrangements.

White Ministers Speak

In answer to the plea of an interracial group in Savannah for the establishment of an all-Negro court, as is now in practice at Miami, Florida, a group of white ministers of that city has filed a protest against the move, because, as they word it, "the time is not ripe."

Beyond this time-worn excuse, the ministers failed to give any reasons why they think the idea is not a good one. Can it be that they do not think that Negroes of Savannah do not possess the native intelligence and training for such a court? Are they presuming that an all-Negro court would not command the respect of Negro citizens? Or, are they fearful that people like them, would not be willing to go far enough in their thinking to accord to Negroes a fair and equitable part in shouldering the obligations and opportunities which local government demands and provides?

Personally, we are in doubt, as we pointed out earlier during the week, whether an all-Negro court is a good thing. We hesitate to recommend separate anything for Negroes and whites when they must live and be governed by the same laws and standards. But that is far from believing that we do not have Negro lawyers who possess the knowledge and temperament for becoming a judge. But they should not be chosen to preside over some segregated Negro court. They should be named to preside over and to administer the law to all groups who come into their court, That is a very different approach, however from that of the white ministers. They are afraid to give justice a chance to come into play. They want to follow the course of gradualism, which is another way of saying let things remain as they are, at least for the present. That course is a long ways from that pointed out by Jesus, whom some of these would probably term a radical today.

Talmadge Ban on Negroes As Capital Envoys Stands

Atlanta Journal, Sept. 19, 1962

All Government Leaders in Georgia White, Executive Explains Choice for Youth Meet

Governor Talmadge Tuesday maintained his refusal to appoint Negro delegates to a White House conference on children and youth, even though his attitude may cause the entire Georgia delegation to tbe rejected.

Federal officials conducting the conference are insisting that there be some Negro representation from Georgia. They say an all-white delegation is not acceptable from a state that has one-third of its population colored.

Learning of the official attitude, Governor Talmadge declared that the 36 delegeates selected are among the state's outstanding citizens.

"Negroes Not Leaders"

"We do not have Negroes in the Legislature, on courts, on boards of education, the Board of Regents and other governing bodies," said the governor.

"If Georgia citizens select the delegates, they will be white delegates. If Washington wants to choose the delegataes and have Negroes attending the conference, they are at liberty to do so.

"We have segregation laws in Georgia. As long as I am governor of Georgia I will do my utmost to enforce them."

There were no indications that the Federal conference officials may solve the problem by naming several Negro delegates and unseating an equal number of white delegates to make a place for them.

Smouldering Dispute

The dispuate between Governor Talmadge and Oscar Ewing, chief of the Federal Security Agency, over the Georgia delegation had been smouldering for several months before it broke into national headlines Monday.

Early this year the governor appointed two Negro delegates to aid in preparing Georgia's report on her children and to represent the state at the conference. Later their appointments were withdrawn. Efforts by Dr. Penjamin Mays, president of Morehouse College, and other Georgia Negroes to have them reinstated failed. Dr. Mays, who is on the national conference committee, finally appealed to Mr. Ewing, saying that "everything honorable" had been done to try to get Governor Talmadge to include Negroes in the Georgia delegation.

The conference will be held Dec. 3-7.

Mrs. Ralaph Hobbs, of Cataula, Ga., is chairman of the Georgia delegation.

Thief of Justice

The Editors: I am a loyal Democrat, a loyal Southerner, a loyal Christian which I hold paramount to all else in life. And I am convinced that loyalty to Christ and His Kingdom demands moving forward daily on the blue light of righteousness to be safely guided in the way of truth, justice, mercy and universal brotherhood.

God's commandments are violated by any substituted compromise. The commandment, "Thou shalt not kill," is no more a commandment to be obeyed than "Thou shalt not steal."

Facing facts lying at our door: The Negro was ruthlessly stolen from his native land for the sole and selfish purpose of exploiting slave labor.

Today illegal ravages of injustice and hatred towards the Negro blasphemously use a burning cross to signify their unholy operations.

Nearly 100 years have elapsed since the United States Government unqualifiedly freed the Negro race, granting them full citizenship in full parity.

And yet there are some people today that rebel against relinquishing all strangle hold on the human steal of long ago, and openly defy constitutional rectitude.

"Harden not your hearts (Heb.), but "put on the whole armor of God . . . and having done all stand . . . stand having your feet shod with preparation of the Gospel of peace." (Ephesians 6:13-15.)

How far do you want to go with God? Read about Zacchaeus (Luke 19:8).

Rome. ESTELLE MITCHELL.

Georgia Democrats Pledge To Flout U. S. Rulings on Race Segregation

Courier-Journal

Separate-School Policy Defended

By The Associated Press

Macon, Ga., Aug. 9.—Georgia Democratic chieftains pledged today to go to jail before bowing to United States Supreme Court decisions against racial segregation.

With whoops and yells, more than 5,000 delegates to the State Democratic Convention unanimously adopted a resolution openly defying the court.

They also called for State legislation outlawing the Communist Party in Georgia, and shouted endorsement of a party platform tied to a huge expansion of funds for schools, roads, health, and old-age pensions.

Neither the platform nor Governor Herman Talmadge, accepting renomination to a new four-year term, hinted what taxes would be levied to raise an estimated additional $50,000,000.

The resolution pledged all State officials to fight "with all the resources of the state" to preserve racial segregation in schools and colleges "(contrary decisions to the contrary notwithstanding."

Jackson's Remark Recalled

It declared recent rulings, outlawing segregation in Texas and Oklahoma State universities, are not binding in Georgia.

Asked what would happen if courts ordered an end to segregation in this state. the convention floor leader, Roy Harris, Augusta, said:

"We will go to jail before we will let whites and Negroes go to school together."

Charles Bloch, Macon attorney and another convention leader, said, "They might put somebody in jail for a little while, but they couldn't keep them there."

Some leaders recalled that when the Supreme Court ordered white Georgians to turn over disputed land to Indians, President Andrew Jackson said:

"Justice John Marshall made that decision. Let him enforce it." The ruling never was enforced.

The resolution said under the recent opinions "the races must be educated together in the public schools, beginning with the first grade." It declared the Supreme Court had no constitutional power to make such a decision.

LETTERS TO THE EDITOR

Georgians Warned That 'Intolerance Will Not Solve Their Problems

Editor, The Journal: The people of Georgia should not allow their minds to become inflamed with unreasonable prejudice because of the present situation. It is a time for our citizens to exercise good judgment and good will toward each other. This applies to both white and Negro citizens and all are under equal obligation to use every effort possible to keep our state free of turmoil and strife.

Grave issues and problems not only face Georgians, but the entire nation and world, and they will never be solved by the spirit of hatred and intolerance.

The present governor of Georgia has made no effort to solve the educational problems of Georgia Negroes; in fact, he is on record as stating that a suit brought by Negroes in a certain county seeking to obtain equal facilities for Negro children would be fought with every resource at his disposal.

M. E. Thompson has the vision to see clearly that the state of Georgia will be compelled to adopt a constructive program for Negro schools—not only because it is right to do so but also because it is very probably the only plan that will prevent the U. S. Supreme Court from ruling in the not too distant future that our segregation laws as applied in public schools are contrary to the Constitution of the United States.

The campaign strategy of our present governor in labeling M. E. Thompson an F.E.P.C. champion and a foe of segregation and openly insinuating that if Mr. Thompson is elected we will have a "scalawag" governor, is a low and revolting expression and should receive the condemnation of every self-respecting citizen in Georgia.

If the people of Georgia will think calmly and reasonably they will have to realize that the governor of our state is making wild talk when he intimates that he will ignore and probably defy the rulings of the U. S. Supreme Court. This is dangerously close to a spirit of anarchy.

M. E. Thompson is telling the people of Georgia some vital truths—they had better listen to him.

E. V. THURMAN.

East Point.

Negro Voice in Planning Asked

Mayor Hartsfield has asked the City Planning Commission to give Negro leaders an opportunity to be heard where questions of policy and over-all planning concerning Negro areas are involved.

The mayor said a large group of Negro citizens had called on him, asking for the chance to express their views where housing, redevelopment and city planning of Negro areas are being discussed.

The Negro group, he added, represented the Atlanta Business League whose housing committee consists of the following members: T. M. Alexander, chairman; J. W. Dobbs, W. H. Aiken, R. A. Thompson, J. H. Calhoun and A. T. Walden.

The mayor suggested the chairman of this group be called when major matters of importance to Negroes are being discussed.

Heller Bill Would Prohibit State

DISCRIMINATION

38a

WASHINGTON, D. C.—(NNPA)—Representative Louis B. Heller, Democrat, of New York, last Thursday introduced a far-reaching joint resolution which would prohibit race or religious discrimination by the states, their political subdivisions and their institutions in the distribution of benefits under Federal grants-in-aid-programs.

Under the terms of the resolution, whenever the President shall determine, after such investigation as he may deem reasonable, that any state, political subdivision or state-supported institution is practicing race or religious discrimination in the distribution of benefits under any Federal grants-in-aid program, he shall direct the Secretary of the Treasury to withhold further Federal payments under such program to such state, political subdivision or institution until such discrimination is discontinued.

A preamble to the resolution declares that "the American idea of equality of opportunity requires that all benefits accruing to the individuals of the states from grants-in-aid by the Federal Government to the states shall be distributed without regard to race, color, religion, creed, or national Origin."

If the resolution should be adopted, various Federal State Programs operated on a segregated basis in the South would be hit. Among them would be the land-grant colleges, the hospital construction program, public health services, housing, social security and employment services.

Daily world
Sun. 4-30-50
Atlanta, Ga.

Sell Fire Insurance Negroes, Illinois Gov. Warns Firms

CHICAGO — (ANP) — Sell fire insurance to Negroes or face the prospects of legislation, Gov. Adlai Stevenson of Illinois warned this week at the annual meeting of the Insurance Federation of Illinois at the Palmer House.

Citing specific complaints of discrimination that have come to his attention, the governor said the firms should insure Negro homes for sociological reasons as well as for human decency. He called present policy "unfair" and "unwise." He said:

"I bespeak your earnest and prompt recognition of this responsibility. It must be met and this problem solved if you are to prevent an attempt by legislation to stamp out this type of unfair discrimination."

Nat 'King' Cole Sues Hotel For Bias

CHICAGO —(ANP)— A $62,000 damage suit was filed in U. S. District court here last week by Nat "King" Cole, popular musician-singer and head man of the King Cole trio, charging the Hotel Fort Armstrong in Rock Island, Ill., with denying his party accommodations during a two-week stay in that city.

The incident occurred last June 22, when Cole and his party presented confirmation of hotel reservations during a fortnight engagement said it was the establishment's policy not to accommodate patrons of the Negro race.

The suit, instituted through Atty. Aaron H. Payne, names the Hoffman Hotel company, an Illinois corporation and owner of Fort Armstrong, as defendant. It charges breach of contract to furnish accommodations, violations of the state civil rights law and breach of the common law to serve travelers who apply for accommodations.

2 Pass Illinois Bar; Refused At Hotel's

Two young Chicagoans passed the tough Illinois Bar last week in Springfield but received a severe jolt when they tried — without success — to cross a much more familiar one — the liquor bar.

Mark E. Jones, Jr. and Lawrence Carroll had just completed all requirements and had been sworn in as lawyers before the Illinois Supreme Court. They joined a score of white colleagues in a trip to the tap room of the Abraham Lincoln Hotel in downtown Springfield while awaiting a train to carry them back to Chicago.

ATTY. JONES

The white attorneys were served but the Negro counsellors of law were ignored by the bartender. A request for service was refused.

Demand Service

Atty. Fred Lane, a white member of the group, sought out the manager and demanded that he order the bartender to wait on Jones and Carroll.

Atty. Jones said the manager refused, "saying in effect, 'I can't do that because if I do, the bartenders will quit'."

They left the hotel without receiving any service.

The irony of it all. Atty. Jones said, was that only a few minutes before the humiliating incident, he and Carroll and the other white lawyers had taken an oath before the Illinois Supreme Court to enforce the laws of the State.

Against The Law

"And among those laws are some which make it a criminal offense for any hotel keeper, restauranteur, theatre owner or the like to refuse to serve a person because of his race or color," he said.

"Because of this oath, we have no alternative but to act to enforce these laws."

Thus these two young Negro lawyers have a case already—their own. They are drawing up a $100,000 damage suit against the Abraham Lincoln Hotel. And they have got the law and a score of other lawyers to back them up.

COLLEGE TO RETURN FUND

$6,500 Advance on 'Bias' Money Is Rejected by Jefferson

TUCSON, Ariz., Feb. 27 (AP)—Jefferson Military College of Natchez, Miss., will repay an advance of $6,500, made by Judge George W. Armstrong, plus interest.

Judge Armstrong is the man who offered an endowment of $50,000,000 to the college recently provided its charter include a provision that Anglo-Saxon and Latin race supremacy be taught and that Jews be barred from enrollment. The offer was rejected by the trustees.

Vice Admiral A. Stanton Merrill, retired, president of the college, said last night the judge had advanced $6,500 to make one of the dormitories livable for the current term.

"Now Judge Armstrong has demanded payment of the money," Admiral Merrill told a forum. "As we do not want to be under any obligation we will return it. The amount must be taken from the $32,000 that has been subscribed to the college since the $50,000,000 was refused—money that is sorely needed to repair leaky roofs and keep the college going."

Judge To Try Segregation Suit In Part

Amphitheatre Phase Dismissed; 2d Chance Given

Federal District Judge Roy M. Shelbourne ruled yesterday he must try a suit in which two Negroes seek to use recreation facilities available only at City parks restricted to white people.

He held, however that as matters now stand, he must dismiss a part of the suit that seeks to force the Iroquois Amphitheater to admit Negroes to its shows. That decision, however, is not final. He gave attorneys until March 27 to amend the complaint to bring it within the jurisdiction of Federal Court.

Seeks Dismissal of Complaint

The City asked for dismissal of the entire complaint which involved these phases:

1. Dr. P. O. Sweeney, Negro dentist, 524 W. Walnut, complained he was not allowed to play golf at City golf courses. All are in parks restricted to white people.

2. Mona Carroll, 14, daughter of attorney Alfred M. Carroll, complained she was barred from fishing in Cherokee Park, which is for whites only. There are no fishponds in Negro parks.

Asserts Ticket Was Refused

3. James W. Muir, 1730 W. Walnut, a student, complained he was refused a ticket to attend a show at Iroquois Amphitheatre, operated by the Louisville Park Theatrical Association, Inc.

In each case, a Federal Court order was asked to force the authorities to treat Negroes and whites alike.

In the Carroll and Sweeney cases, Assistant City Attorney Robert W. Meagher argued:

1. The issue already has been decided in State against Sweeney.

2. The rights the two sought are not of the kind that a Federal Court should enforce under the civil-rights laws.

Says Social Rights Sought

The City has a rule which restricts certain parks to whites and others to Negroes. There are no golf courses in the Negro parks. T. Byrne Morgan, director of parks, has adhered to the policy of segregation.

"These people are trying to impose their ideas on Mr. Morgan," argued Meagher. "They are asking for social, not political rights."

"I don't think playing golf is the most important thing in the world," interrupted Judge Shelbourne, "but a colored citizen has the same rights to play somewhere as his white brother.

'Question of Deprivation'

"They say in this complaint, 'We are taxed to build these golf courses, but can't play on them solely because we are Negroes.'"

Meagher argued that segregation was an established policy recognized by the courts.

"Here," commented the judge, "it is not a question of segregation, but of deprivation."

Benjamin F. Shobe, attorney for Dr. Sweeney, told the court he was not contending that facilities for Negroes and whites must be exactly the same. But, he contended, there should be no discrimination.

Says It's a Private Agency

Donald Taylor, attorney for the theatrical association, said the company is a private organization which has a right to say to whom it shall sell tickets.

"We are not a part of the State," he said. "There is no power in the Federal Court to force us to deal with anyone."

Robert L. Carter, an attorney for the National Association for the Advancement of Colored People, argued that because the theater group leased land from the City it was required to admit Negroes and whites on an equal basis.

Sweeney lost a suit in State Courts to open the golf courses and Ampitheater to Negroes. Miss Carroll was not a party to the State-court suits.

The result of the day's argument:

1. Judge Shelbourne will hear proof to determine whether the City discriminates against Negroes in providing golf and other facilities for recreation.

2. The theatrical association is out of the case unless Carter can charge that it is really an agency of the City in operating the shows.

Sue Airlines For Cafe Color Bar

WASHINGTON -(ANP)- Two $10,000 damage suits were filed against American Airlines, Inc., and Sky Chefs, Inc., in another court test of Dixie transportation Jim Crow.

The plaintiffs are Elmer W. Henderson, a member of the Roosevelt Fair Employment Practices committee in 1942, and John E. Myles Jr., a government physicist and graduate of the University of Indiana Graduate School of Physics.

The plaintiffs charge they were refused service at an airport restaurant in Covington, Ky., on the night of October 30, 1949. The complaint charges they were returning to Washington by way of the Greater Cincinnati Airport at Covington on an American Airlines return ticket, but the flight was delayed. All passengers were given cards entitling them to a meal in Sky Chefs, a restaurant concession at the airport.

DENIED SERVICE

However, they were denied service because of color, the suit states. They said they were informed that Negroes were not permitted in the place. The complaint said they were "subjected to great humiliation and inconvenience and were grossly insulted."

The plaintiffs have asked a permanent injunction restraining the airlines and restaurant from continuing racial segregation and discrimination.

This is Henderson's second court suit of this type. He has another suit pending before the Supreme court based on railway segregation on the Southern Railway lines. He charged that he was denied service at a table reserved for Negroes in the dining car of the train enroute to Atlanta in 1942.

Korea Had To Be Split by 4 P.M., So Pentagon Set 38th Parallel

Herald Tribune
Mon, 7-31-50

From the Herald Tribune Bureau

WASHINGTON, July 30. — An account of the hasty manner and initial reason for selecting the 38th Parallel as the line of division between North and South Korea was given today by two of the speakers on the University of Chicago round table program over the National Broadcasting Company network.

New York, NY

They were Lewis Hoskins, executive secretary of the American Friends Service Committee, whom Maynard Kreuger, University of Chicago economist, identified as "one of the few Americans" who can tell where "the 38th Parallel came from," and Hugh Borden, of the Asian Institute, Columbia University.

"Just before the surrender of Japan in the summer of 1945," Mr. Hoskins related, "several one-star generals hurried into an office in the Pentagon with the statement: 'We have got to divide Korea. Where can we divide it?'

"The colonel with Far Eastern experience protested to his military superiors, 'But you can't separate Korea. Korea is an economic and social unit. There is no place to divide it.'

"The generals insisted that we have to. The colonel replied, 'It can't be done.'

"Their answer was: 'We have got to divide Korea and it has to be done by 4 o'clock this afternoon.' So, by 4 o'clock the division was made at the 38th Parallel.

"Thus a military decision was made without reference to the people involved or to the political consequences in our future relations with Asia."

Mr. Borden, who was in the State Department at that time working on plans for the post-war future of Korea, gave this explanation:

"It was obvious that we needed to have specific areas in which the Japanese troops—the tens of thousands that were in the north of Korea and the tens of thousands that were in the south of Korea—we had to have an area where they could surrender; and so north of the 38th they were to surrender to the Soviets and south to us.

"We did not contemplate any central Allied occupation authority for all of Korea, and there was need to separate the troops, the Soviet troops and the American troops.

"We were thinking not of any permanent political division of Korea. In fact, we were basing our plans on a four-power temporary trusteeship for all of Korea. But subsequent events have made it impossible, of course, for us to carry out this plan."

Lafayette College Rejects Bequest Of $140,000 Willed on Bias Basis

The trustees of Lafayette College in Easton, Pa., meeting at the University Club here yesterday, voted to reject a $140,000 bequest, made ten years ago, that would have provided scholarships for "American-born" students, "Jews and Catholics excepted."

The money had been left to Lafayette by Frederick F. T. Dumont of Lancaster, Pa., a former member of the diplomatic service, when he died ten years ago. Terms of the bequest were revealed last Thursday when a court in Lancaster ruled the first $13,506 payable under the will was due.

After the meeting here, Dr. Ralph C. Hutchison, president of Lafayette, issued the following statement:

"With the court's initial allocation of funds from the Dumont estate, the trustees have had occasion for the first time to consider this generous bequest of approximately $140,000.

"While the proceeds were to have been used for general endowment, the fast remains that the legacy contains an inoperative clause discriminating against Jews and Catholics. The board has therefore taken action declining the legacy as containing intimations of discrimination which are contrary to the history, practice and ideals of Lafayette College.

"Lafayette's enrollment has always included a large number of Jews and Catholics, and some of its most distinguished alumni are among them."

A spokesman for the board of trustees said the bequest first came to the attention of the college last Thursday when Orphans Court Judge John L. Bowman of Lancaster approved the first payment to Lafayette. At that time, Dr. Hutchison said the fund would be accepted and placed in the general endowment for use by any worthy students.

The action yesterday changed this stand. The trustees said they did not know the details of the will or "where all that money has been all this time," but the court decision first brought the bequest to their attention. None of the money left to the college has ever been used, the board said.

Thos attending the meeting were Thomas J. Watson Sr., Allan Kirby, Lloyd M. Telmly, Robert Tinsman, Russell Laros and Dr. Hutchison. Other trustees were polled by telephone.

$140,000 Legacy Refused By Lafayette College

NEW YORK (NNPA)—The trustees of Lafayette College, a scientific institution at Easton, Pennsylvania, voted last Tuesday to reject a legacy of $140,000 left by one of its graduates, Frederick Theodore Frelinghugsen Dumont, a State Department career officer, because of a religious discriminatory provision in the bequest.

The bequest provided that none of the money could be used to finance scholarships for students of either Catholic or Jewish faith. This provision was to become operative only if the president, now Dr. Ralph Cooper Hutchinson, allotted any of the funds to scholarships.

In a statement issued after the trustees met at the University Club in New York, Dr. Hutchinson issued a statement in which he said the board declined the legacy "as containing intimations of discrimination which are contrary to the history, practice and ideals of Lafayette College. Lafayette enrollment has always included large numbers of Jews and Catholics and many of its distinguished alumni are among them."

38a 1950

Rep. Henderson Lanham (Dem.Ga.)
Mr.William L. Patterson-Executive Sec'y-
Civil Rights Congress

Demand Apology From Congress For Slur to Race

Courier Dat. 8-19-50

'Impeach' Ga. Solon, Unions Cry

38a

WASHINGTON—Congress has been urged by four New York labor unions to apologize for the conduct of Rep. Henderson Lanham (Dem.-Ga.) last week and to impeach him. The Congressman called William L. Patterson, executive secretary of the Civil Rights Congress, "a black ---" during a hearing before the House Lobbying Committee last week and threatened to attack Mr. Patterson.

A letter to Speaker of the House Sam Rayburn from the Fair Employment Practices Committee of the United Electrical Radio and Machine Workers of America called the Lanham incident "a most disgraceful insult to the Negro people of America," and "a disgrace upon the Congress of the United States."

DUTY OF CONGRESS

"It becomes the duty of the Congress to apologize to the Negro people and to our country. It is also incumbent upon Congress to discipline Congressman Lanham for his action," the UE declared.

Expressing shock and indignation over Representative Lanham's action, two units of the Left-Wing Distributive Workers Union, representing over 28,000 New York stores, retail and wholesale workers, called upon Speaker Rayburn to start impeachment proceedings against the Georgian.

Similar requests were made on behalf of 12,000 members of the United Department Store Workers of New York.

Commenting on the occurrence, Mr. Patterson said in New York this week: "It is my feeling that this man (Representative Lanham) must be punished and by Congress. It is a disgrace to our country that the leaders of his party have not spoken out concerning this disgraceful action."

Mr. Patterson went on: "But Sam Rayburn, Speaker of the House, must be called upon to repudiate this action and move to expel him from the halls of Congress." He also added that it was his belief that Representative Lanham took the chair as acting chairman of the committee "to terrorize me and to use it as a means of insulting me and my people."

Congress Indicts First Negro Citizen

Courier

NEW YORK—Commenting on plans to fight a contempt citation, William L. Patterson, national executive secretary of the Civil Rights Congress, declared this week, "for the first time in the history of the U. S. a Negro citizen has been indicted for contempt of Congress." He further asserted that Rep. Henderson Lovelace Lanham of Georgia, is in "contempt of seventeen million American Negrces."

White Workers, Few Liberals Only Have Denounced Lanham's Insult—Patterson

NEW YORK — "Only white workers and some few liberals have repudiated" Rep. Henderson L. Lanham (Dem., Ga.), who called him a "black s.o.b." on Aug. 4 in a committee room of Congress, William L. Patterson, national executive secretary, Civil Rights Congress, said recently.

Product of System

"Tell me," he asked, "am I wrong in concluding that for those who control the government and big business, I am truly a 'black s.o.b.? That is my opinion."

Mr. Patterson describes Lanham as "a product of our country, its schools and political system."

He calls him "a white supremacist, a believer in the poll tax system, lynching, and the government policy of jim crow and segregation, [illegible] American ruling class 'way of life.'

Committee Members Silent

Mr. Patterson emphasized that:

"Of that crew of Republicans and Democrats who form the House Lobbying Committee, none took issue with the gentleman from Georgia," adding:

"Henderson Lanham has not been reprimanded by the Speaker of the House. The leader of his party, Harry S. Truman, President of the United States, is too busy conducting a war against colored people abroad to have find the time to comment upon insults to colored people at home.

Follows Party Line

"This 'statesman' from Georgia was following his party's line."

Patterson pointed out that Lanham's kind of "respect" for human dignity" is what white youth is taught to exhibit. To such an America the Koreans are 'gooks,' the term meaning n----rs when used in Korea."

Disloyal on 3 Counts

The civil rights crusader said:

"Loyalty to such a political system (of which Lanham is a product) or, as some choose to call it, 'our way of life," is disloyalty to human dignity and human decency.

"To the kind of democracy black America has sought for and fought for 331 years and not yet attained."

Representative Henderson Lanham- (Georgia)
William J. Patterson,-Negro Executive Secretary of the Civil Rights Congress

"Better Late Than Never"

We are glad to note that Representative Henderson Lanham recognizes what a bad actor he demonstrated himself to be last Friday at a committee hearing when he threatened physical violence against a Negro member of the Civil Rights Congress.

Lanham, the record says, threat was made against William Patterson, Negro director of the Civil Rights Congress, when the latter, invited by Lanham to testify as to Communist affiliation, charged that Georgia is a lynch state.

"When he started slurring my state of Georgia," Lanham said Saturday, "I simply lost my head along with my temper. "I never should have done it."

We think Mr. Lanham was proving the point made by Mr. Patterson when he lost his head and his temper by threatening physical violence. Lanham is head of the Committee on Lobbying. He was conducting the hearings and Patterson was there at his invitation. And he owed Patterson the courtesy of a respectful hearing, no matter how distasteful his testimony might have been.

We can think of a hundred other ways Mr. Lanham could have challenged Patterson's charge other than by violence. He could use his brain, rather than his fist, to work with Georgians in proving to the world that Patterson is a liar and that Negroes can and do receive fair and impartial trials in Georgia courts. He can help the state, by his personal conduct and influence, to live down the Mallard lynch trial stigma. He can work with his constituents back home and persuade them not to become parties to cross-burnings and threats which cancelled a Negro musician's appearance at a white school. He could declare to the world that the better people of Georgia are not a part of the threats against a white minister who accepted an invitation from an aged Baptist Negro preacher to deliver his anniversary message.

There is really no limit to the good things Mr. Lanham could have done and can still do to disprove the charge that Georgia is a lynch state.

Police Restrain Congressman's Lunge at Negro

Georgia Representative and Leftist Inquiry Witness Hurl 'Lie' at Each Other

WASHINGTON, Aug. 4 (U.P.).—Representative Henderson Lanham, sixty-two-year-old Georgia Democrat, was forcibly restrained by Capitol guards today when he lunged at a Negro witness whom he had called a liar and who had called him a liar in return, during a House committee meeting.

The witness was William L. Patterson, fifty-nine, of New York, executive secretary of the Communist-dominated Civil Rights Congress. He had been summoned before the House Lobby Investigating Committee, of which Representative Lanham is acting chairman.

A near-brawl grew out of a bitter exchange over civil rights in Georgia.

Mr. Patterson remarked that he was busy trying to save Negro defendants from "legal lynching" in Georgia and other Southern states when he was subpoenaed to testify before the committee.

Exchange of Charges

Representative Lanham retorted that his state "has never tried to lynch any one."

"It's a state of lynchers," Mr. Patterson said.

"If you say that, it's a lie," Representative Lanham cried. "If there's any state where a Negro gets a fair deal in court, it's in Georgia."

"Your's is a lie too," Mr. Patterson shouted.

The portly balding Congressman rose from his seat, flushed and excited, and ran around the committee table. Other members of the committee clutched at his coattail and shouted, "Don't do it, don't do it!"

"You black son of a bitch!" Representative Lanham roared, as he ran toward the witness.

Two Capitol policemen raced across the room and grabbed Representative Lanham when he was about six feet away from Mr. Patterson's chair. The usually quiet-spoken Congressman struggled to break away from their grip, and it was several moments before he could be subdued.

Witness Remains Seated

Mr. Patterson, a graying, bespectacled man of medium build, remained seated throughout.

Lanham finally was induced to return to his seat, and the hearing was recessed.

Before the incident, the comitee counsel, Benedict F. Fitzgerald jr., had prepared a recommendatio that Mr. Patterson be cited for contempt for refusing to furnish financial records of the Civil Rights Congress.

If convicted of the charge, Mr. Patterson could be fined $1,000 and sent to jail fo ra year.

Mr. Patterson said he would not divulge the names of contributors to the organization, which has been listed as subversive by the Justice Department, because he did not want to see them "pursued."

Representative Lanham warned Mr. Patterson that he would be cited for contempt if the persisted in his refusal to supply the records.

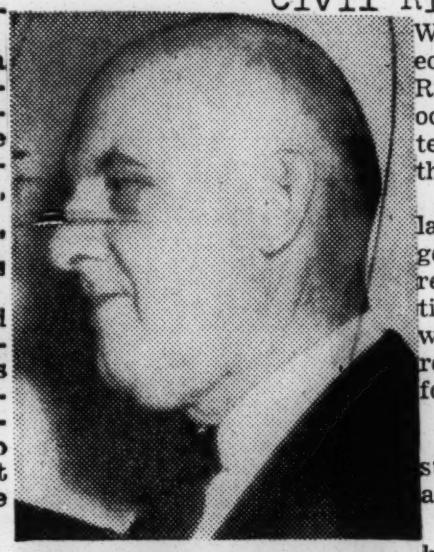
"I know that's your intent," Mr. Patterson replied. "Y ou didn't cite fascists when they were in here, and yo udidn't cite the enemies of the Negro people."

"You people," said Representative Lanham, "are doing more than any one else to retard the advance of the Negro race."

Threat made against U. S. Rep. Lanhan

WASHINGTON, Aug. 7—(AP)—Rep. Lanham (D., Ga.), reported today he had been threatened with physical violence.

Lanham, who last Friday engaged in a bitter exchange with a Negro official of the Civil Rights Congress, showed reporters an unsigned postcard from New York. Dated Saturday, it said:



Rep. Lanham—Threatened.

"You big bum: the next time I catch you alone I'll crash your teeth into your throat. I'll be looking for you in Washington next week. You are a disgrace to America."

LANHAM SAID he did not take the threat seriously but was turning the card over to police. FBI experts will attempt to identify the handwriting.

Lanham is a member of the House lobby investigating committee. At the committee's hearing last Friday, he accused William L. Patterson, executive secretary of the Civil Rights Congress, of telling a lie about Georgia's treatment of Negroes.

When Patterson called Lanham a liar, the Georgia lawmaker lunged at him with clinched fists. Lanham was restrained by guards.

LOBBY PROBER IN FRACAS WITH NEGRO WITNESS

Washington, Aug. 4—A southern Democratic congressman was restrained by police today as he advanced on a Negro committee witness after the two accused each other of "lying."

The congressman was Rep. Lanham [D., Ga.], acting chairman of the house lobby investigating committee. The group was questioning William J. Patterson, Negro executive secretary of the Civil Rights congress when the fracas occurred. It brought the committee hearing to an abrupt end for the day.

Patterson, whose group has been labeled subversive by the attorney general, refused the committee's request for names of the organization's contributors. He ignored warnings from Lanham that the refusal might result in a citation for contempt.

"State of Lynchers"

Patterson then denounced the state of Georgia, Lanham's home, as a "state of lynchers."

"If you say that, it's a lie," Lanham told Patterson. "If any state is fair to Negroes, it's Georgia."

"Yours is a lie, too," Patterson shouted.

Lanham jumped from his chair, shouted epithets at the witness, and raced with doubled fists around the long committee table toward Patterson. Two capitol policemen on duty in the room rushed forward and grabbed Lanham before he reached the witness. Patterson remained seated. Other committee members quickly prevailed upon Lanham to return to his chair.

Asks Contempt Citation

The committee then adjourned, after hearing its counsel, Benedict F. Fitzgerald Jr., recommend Patterson be cited for contempt for his refusal to answer questions. Conviction for contempt carries penalties up to a year in prison and a $1,000 fine. The committee did not act today on the contempt question.

Before the hearing erupted, Patterson complained the committee was trying to "terrorize and browbeat a witness" by seeking the names of contributors to the Civil Rights congress.

"I propose to furnish no committee with the names of individuals who can be pursued as members of an organization listed as subversive, which we are not," Patterson said.

House Cites Patterson On Contempt Charge

WASHINGTON, D C. — (INS) — The House yesterday cited two executives for contempt of Congress for defying the Congressional Committee which is attempting to determine the degree of lobbyist influence on government.

Cited were Edward A. Rumeley, Executive Director of the Committee for Constitutional Government, and William L. Patterson, Executive Secretary of the Civil Rights Congress.

Action on a third contempt citation presented by the lobby probers, that of Joseph Kamp, Director of the Constitutional Education league, was postponed.

The House cited Rumely by a 183 to 175 vote after a bitter clash involving Democratic Leader McCormack and GOP Chief Martin.

The contempt citation of Patterson came on a 238 to 106 vote.

Rumely was accused of refusing to give the House Lobby Investigating Committee names of persons who furnished funds for the purchase of books distributed by his organization.

Patterson declined to give general information on contributors.

If convicted in the courts, Rumely and Patterson each face jail terms of one year and a $1,000 fine. Rumely was cited in 1944 on a like charge but a Federal Grand Jury refused to indict him.

Patterson were Edward A. Rumely, executive secretary of the Committee for Constitutional Government, and Joseph P. Kamp of the Constitutional Educational League.

Patterson refused to furnish the committee with names of contributors to CRC on the grounds that many persons had given money to help fight for the civil rights of Willie McGee, Rosa Lee Ingram and other such cases. While these people might be helping to fight for the civil rights of some less fortunate person, they would perhaps be branded as subversive by this committee if it was made known that they had contributed to an organization which has been listed as subversive by the attorney general.

Action on the contempt citations were taken in a special executive session of the committee called by Chairman Buchanan and will perhaps go to the house next week.

House Group Cites Patterson For Contempt

CRC Executive Failed To Submit Records

WASHINGTON — (ANP)— The House Lobbying Committee voted last Saturday to cite William L. Patterson, executive secretary of the Civil Rights Congress, for contempt of Congress.

The contempt charges were brought against the CRC executive for alleged refusal to make all records on receipts and contributions to his organization accessable to the select committee on lobbying activities.

Cited for contempt along with

"I'D DO IT AGAIN," SAYS FIERY GA. CONGRESSMAN IN DISCUSSING ATTACK ON PATTERSON

Didn't Like Charge that Georgia is a Lynch State By Civil Rights Head

CITES HIS ATTITUDE TOWARDS DAWSON

(By Alice A. Dunnigan)

WASHINGTON. — (ANP) — Congressman Henderson Lenham (D., Ga.) whose name made headlines recently when he cast the "black S. O. B." epithet at William L. Patterson, told the House of Representatives last Friday that he would do it again under similar circumstances.

He expressed his interest in the advancement of colored people of the South but admitted that he opposed all civil rights legislation.

He attempted to point out his tolerance of Negro people by praising Congressman William L. Dawson, chairman of the Expenditures Committee of which he is a member.

Denied press reports that he had referred to Negro people as "niggers" and condemned the "hysterical attack" upon him by right-wing publications, while welcoming attacks from the left.

Would Do It Again

In his speech upon the House floor, Rep. Lenham declared that he lost his temper when Patterson, executive secretary of the Civil Rights congress, charged that Georgia and other southern states with seeking to lynch Negroes.

The Georgia Representative expressed regret if his actions had cast any reflections upon any member of the committee, or hampered its work in any way. Yet, he continued, "if the good name of the state of Georgia were again attacked, I am afraid that I would react in the same manner."

It was the absolute false and distorted charge made by the "Communist Patterson" that infuriated him, said Mr. Lenham.

South Will Not Tolerate Intetration

Lenham told the House that he had worked for the advancement of the Negro in the South for the past 40 years and if let alone, the right thinking people of that section would see that the Negro gets political and economic justice.

He admitted, however, that he was definitely opposed to all of the "so-called civil-rights program" because he was sure that this was the wrong approach.

No law passed by Congress, he added, will bring about the elimination of segregation in the South because "the white people will not tolerate it, and the Negroes do not want it."

He told the Congress that the Negroes in the South know that segregation is best for both races, and only a few would want a chance.

38a 1950

Representative Henderson Lanham- Georgia
William L. Patterson- Civil Rights Congress

Georgian Curses Patterson

Courier

Negro Race Insulted by Congressman

Sat. 8-12-50
Pittsburgh, Pa.

(Special to The Courier)

WASHINGTON—Hysterically screaming, "You black S.O.B.," bald-headed Congressman Henderson Lanham, Georgia Democrat and acting chairman of the House Lobbying Committee, last Friday tried to attack William L. Patterson, executive secretary of the Civil Rights Congress, while Mr. Patterson was being questioned before the committee.

Police and attendants grabbed the Congressman as he lunged forward to strike Mr. Patterson and kept the affair from developing into an actual passage of blows. The outbreak followed an exchange of blasts in which Congressman Lanham and Mr. Patterson called each other's words: "Lies."

INVESTIGATING CRC

The incident occurred while the committee was conducting an inquiry into the affairs of the Civil Rights Congress and Mr. Patterson had refused to turn over certain records and papers of the CRC requested by the committee.

During his appearance before the committee, Patterson had refused to turn over membership lists, bank statements and mailing lists to the committee on the grounds that the Civil Rights Congress was not a lobbying organization in the sense that Congress meant it. He had also refused to tell whether or not he himself was a Communist.

MAY CITE PATTERSON

Following the outbreak, Benedict F. Fitzgerald Jr., counsel for the committee, said he would have Patterson cited for contempt of Congress.

Congressman Lanham's vituperous outburst of vulgar profanity brought censuring remarks from Congressman Vito Marcantonio (ALP — N. Y.), who said that the Georgian's attack on Mr. Patterson was in contempt of the two Negro members of Congress — Reps. Adam C. Powell of New York, and William L. Dawson of Illinois, both Democrats—"as well as 15,000,000 Negro Americans."

LANHAM FUMING

Even after policemen pulled the fuming Congressman away from near Mr. Patterson, the Georgian kept calling Mr. Patterson a "black S. O. B. It was a scene believed to be unprecedented in the history of Congress and shocked the many spectators attending the hearing.

Mr. Patterson maintained his calm as the Georgia Congressman rushed toward him. He did not move, nor did he rise from his seat.

The melee broke up the committee's hearing as the acting chairman—Rep. Lanham—quickly adjourned the meeting.

CLAIM INTIMIDATION

CRC leaders urged protests to President Truman and Chairman Frank Buchanan (Dem., Pa.) of the committee, charging that the Lobbying Committee—set up to investigate big business lobbies—was being used to try to intimidate and destroy the CRC, a Negro-white organization which defends constitutional rights. The U. S. Attorney General has labeled the CRC as a Communist-front organization.

INSULTS 15 MILLION AMERICANS:

Dixie Congressman Hurls Racial Epithet

Afro-American
Sat. 8-12-50
Baltimore, Md.

WASHINGTON—(NNPA)—Capitol police, last Friday, restrained Rep. Henderson Lanham (Dem., Ga.) from attempting to assault William L. Patterson, executive secretary of the Civil Rights Congress, after both men had called each other liars.

The flare-up came while Mr. Patterson, 59, was testifying before the House Select Committee on Lobbying Activities. The two men had had verbal clashes all during the committee session.

In the absence of Rep. Frank Buchanan (Dem., Pa.) Lanham, 62, was acting as chairman of the group, and Mr. Patterson was testifying on the return of a subpoena issued on the Civil Rights Congress.

The court order had requested detailed information on CRC's receipts and expenditures as well as on its lobbying activities.

Refused Information

Mr. Patterson took the position that the Congress was not a lobbying organization but was primarily engaged in defending persons against the violation of their civil rights.

He refused to furnish some of the information requested on the ground that it was not available or it did not, in his opinion, relate to lobbying activities.

After he said he would not furnish the committee with a list of contributors to the support of the organization, Mr. Patterson remarked that he had fought to save the lives of the "Scottsboro boys," whom the State of Georgia had attempted to lynch.

Mr. Patterson had apparently confused the State of Georgia with the State of Alabama.

According to the Department of Records and Research at Tuskegee Institute, Georgia is second only to Mississippi in the number of lynchings. In the period from 1882 to 1948, inclusive, Georgia has had a total of 527 lynchings, of which 488 victims were colored.

Admits Making Mistake

"You said the State of Georgia had attempted to lynch nine," Lanham shouted. "That is absolutely false."

"I accept the correction," Patterson said, referring to his mistake in attributing the trial and convictions of the Scottsboro boys to the State of Georgia.

"I do not speak in defense of any lynching, white or black," continued Lanham, adding:

"When you say the State of Georgia has attempted to lynch anybody, then you simply lie. I have been a prosecuting attorney in Georgia, and if there is any State in the union where a colored person gets a fair trial when he gets into court, it is the State of Georgia."

Patterson told Lanham if he said the State of Georgia is a State where a colored person gets a fair trial, he was a liar.

Completely Loses Temper

Lanham, a big man, leaped to his feet and running behind the dais at which members of the committee were seated, called Patterson a "black son of a b——," and started toward the table in front of the dais at which Patterson was seated.

As he stepped down from the platform on which the dais is built, two Capitol policemen started toward him. He told one policeman not to put his hands on him. But when he got about 10 or 15 feet away from Patterson, the policemen physically restrained him.

Patterson told reporters:

"The violence and terror practiced against the colored people in America for the past 330 years is now being practiced in the very meeting rooms of Congress.

"Force and violence against colored Americans is an official policy of all branches of U.S. Government."

After order was restored, the committee counsel, Benedict F. Fitzgerald, suggested that the committee adjourn.

He indicated that the committee would seek to have Patterson cited for contempt of Congress for his refusal to answer questions about financial contributors to the support of the CRC and to produce records subpoenaed by the committee.

Session Resumed

Lanham suspended the proceedings, left the room but returned shortly, made a telephone call, and held a whispered conversation with Fitzgerald. When the hearing was resumed, Patterson was asked one or two additional questions and the hearing adjourned.

In a letter to Speaker Sam Rayburn, Mr. Patterson asked the House call upon Lanham for an immediate apology. "I request you, Mr. Speaker, to move to discipline the gentleman from Georgia," Patterson wrote Mr. Rayburn.

Patterson told Mr. Rayburn that the conduct of Mr. Lanham was "not alone an insult to me; it is the grossest insult to the 15,000,000 of American colored people, some of whom are at this moment dying in Korea. . . .

He also said it was an insult to Reps. William L. Dawson (Dem., Ill.) and A. Clayton Powell, (Dem. N.Y.)

Called Liar by Negro, Dixie Legislator Rages

Inquirer
Sat. 8-5-50
Philadelphia, Pa.

WASHINGTON, Aug. 4 (UP).—Representative Henderson Lanham, 62-year-old Georgia Democrat, was forcibly restrained by Capitol guards today when he lunged at a Negro witness who had called him a liar during a House committee meeting.

The witness was William L. Patterson, 59, of New York, executive secretary of the Communist-dominated Civil Rights Congress. He had been summoned before the House lobby investigating committee, of which Lanham is acting chairman.

DISPUTE OVER LYNCHINGS

The near-brawl grew out of a bitter exchange over civil rights in Georgia.

Patterson remarked that he was busy trying to save Negro defendants from "legal lynching" in Georgia and other Southern states when he was subpenaed to testify before the committee.

Lanham retorted that his State "has never tried to lynch anyone."

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"Yours is a lie, too," Patterson shouted.

RUNS TOWARD WITNESS

The portly, balding Congressman rose from his seat, flushed and excited, and ran around the committee table. Other members of the committee clutched at his coat-tail and shouted, "Don't do it! Don't do it!"

Lanham cursed Patterson and moved toward him, but two Capitol policemen raced across the room and grabbed him when he was about six feet from the witness chair. The usually quiet-spoken Congressman struggled to break away from their grip, and it was several moments before he could be subdued.

HEARING IS RECESSED

Patterson, a graying, bespectacled man of medium build, remained seated throughout.

Lanham finally was induced to return to his seat, and the hearing was recessed.

Before the incident, Committee Counsel Benedict F. Fitzgerald, Jr., had prepared a recommendation that Patterson be cited for contempt for refusing to furnish financial records of the Civil Rights Congress. If convicted on the charge, Patterson could be fined $1000 and sent to jail for a year.

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"I know that's your intent," Patterson replied. "You didn't cite Fascists when they were in here, and you didn't cite the enemies of the Negro people."

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"Better Late Than Never"

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Lanham, the record says, threat was made against William Patterson, Negro director of the Civil Rights Congress, when the latter, invited by Lanham to testify as to Communist affiliation, charged that Georgia is a lynch state.

"When he started slurring my state of Georgia," Lanham said Saturday, "I simply lost my head along with my temper. "I never should have done it."

We think Mr. Lanham was proving the point made by Mr. Patterson when he lost his head and his temper by threatening physical violence. Lanham is head of the Committee on Lobbying. He was conducting the hearings and Patterson was there at his invitation. And he owed Patterson the courtesy of a respectful hearing, no matter how distasteful his testimony might have been.

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There is really no limit to the good things Mr. Lanham could have done and can still do to disprove the charge that Georgia is a lynch state.

Still No Action Facing Lanham

Refused to Reveal CRC Donors Blamed

WASHINGTON (NNPA) — As a result of House action last Wednesday, the courts will be called upon to decide whether the Civil Rights Congress, listed by the Attorney General as a subversive organization, is a lobbying group and the legitimate subject of investigation by the Select Committee on Lobbying Activities.

The House voted, 238 to 106, to cite for contempt William L. Patterson, executive secretary of the Congress, for his refusal to disclose data concerning contributions to his organization.

Refused to Tell Contributors

That action was taken in spite of the fact that during a committee hearing on the Civil Rights Congress, Mr. Patterson was twice called a liar by Rep. Henderson Lanham (Dem., Ga.), who wound up his insults by calling the CRC Representative "a black S.o.b."

Under the resolution approved by the House, Speaker Sam Rayburn will certify the report of the lobbying committee concerning the refusal of Mr. Patterson to answer certain questions and turn over certain documents to the committee, to the U.S. Attorney for the District of Columbia for prosecution of Mr. Patterson on a charge of contempt of Congress.

The committee's report, on which the citation was based, shows that Mr. Paterson declined to turn over to the committee a list of contributors to the Civil Rights Congress or any financial records of his organization, which he had been subpoenaed to bring with him when he appeared before the committee on August 3 and 4.

Mr. Patterson took the position that the Congress was not a lobbying organization and the material he was ordered to produce had nothing to do with lobbying.

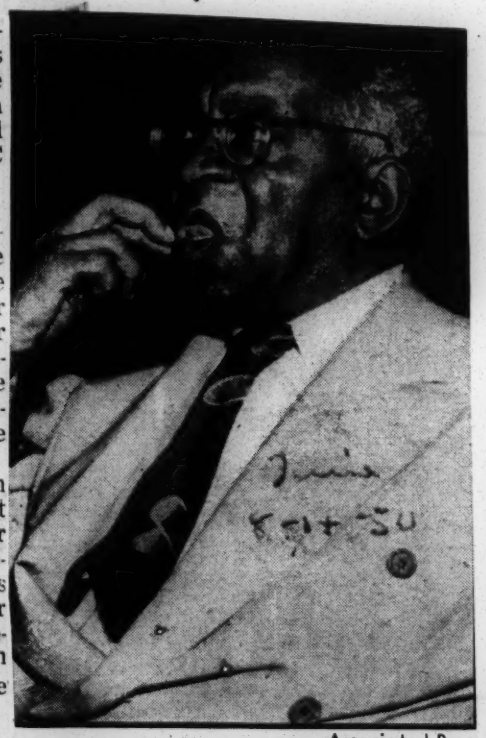
Question of Communism Ignored

No issue was raised over Mr. Patterson's refusal to answer the question of whether or not he is a Communist. Rep. J. Clyde Doyle (Dem., Calif.), who presented the citation, said Mr. Patterson's refusal to answer the question concerning membership in the Communist party was not pertinent to the citation.

Speaking against the citation, Rep. Vito Marcantonio asked the House;

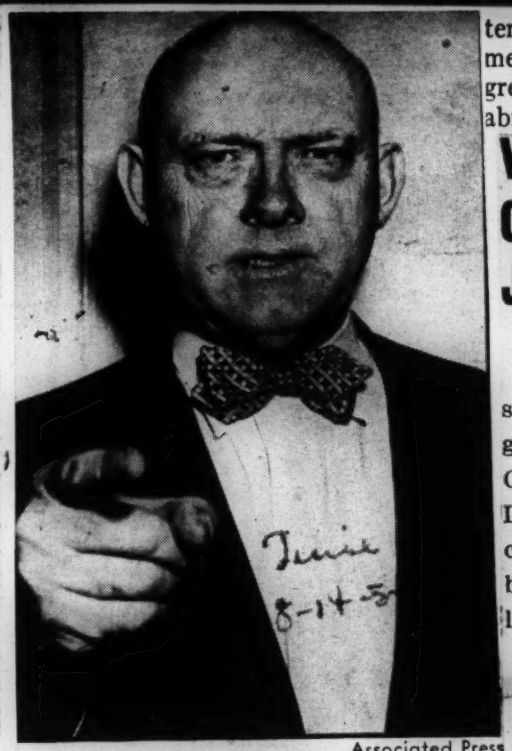
"Shall we by voting for this citation, by voting to send this colored victim to jail, put our stamp of approval on the use of the language in Congress to which he was subjected before this committee?"

No action has yet been taken by the House toward disciplining Lanham for his conduct, although there are ample precedents for doing so. Immediately after the incident, Mr. Patterson wrote a letter to Rayburn awking him to lay the matter before the House for disciplinary action, but Rayburn has never presented Patterson's letter to that body.



Associated Press

ATTORNEY PATTERSON
"And yours is a lie too."



Associated Press

CONGRESSMAN LANHAM
"That's another lie."

Gentleman from Georgia

Up to testify before a House committee was William Lorenzo Patterson, Negro attorney and a well-known and voluble mouthpiece of the Communist Party. First he refused to obey the committee's order to surrender records of his Communist-controlled Civil Rights Congress, which the committee had asked for. Then he began explaining certain expenditures by his outfit.

"I was fighting," he said, "for the life of a Negro in Georgia, nine of whom were lynched. Georgia state tried to lynch the Scottsboro boys—"

"The state of Georgia has never tried to lynch any Negro," wrathfully broke in Congressman Henderson Lanham of Rome, Ga., who was presiding. (He was certainly right about the Scottsboro boys, whom no one had tried to lynch—and besides, the Scottsboro case took place in Alabama, not Georgia.)

"The state of Georgia has lynched—how many?" chided Patterson.

"If there is any state where a Negro gets a fair deal in court," Lanham declaimed, "it is in the state of Georgia and any statement to the contrary is absolutely false." Negroes had no rights in Georgia, Patterson insisted. "That's another lie," said Lanham.

"And yours is a lie too," retorted Patterson.

At that, bald, 62-year-old Congressman Lanham leaped to his feet. "Damn son of a bitch!" he shouted. "Black son of a bitch!" With fists clenched, he raced around the committee table. Bespectacled, 59-year-old Attorney Patterson held to his witness seat. Lanham broke past two attendants before a pair of Capitol policemen managed to grab him. Subdued, Congressman Lanham returned to his place, abruptly adjourned the hearing.

Victim of Insult By Congressman May Get Jail Sentence, Fine

William L. Patterson, executive secretary of the Civil Rights Congress, who was called a "black S. O. S." by Congressman Henderson Lanham, of Georgia, during a recent hearing before the House Lobbying Committee, and who narrowly escaped physical violence by the

irate Southerner, has been recommended for a one-year jail sentence and a fine of $5,000 by the House Lobbying Committee. The Committee made the above recommendation because Patterson refused to provide names of members of the Civil Rights Congress.

Congressman Lanham's unprecedented action has been completely ignored by the Committee and the House of Representatives.

Negroes In Cast, Southern College Calls Off Play

New York, Feb. 15 (U.P.)—Margaret Webster, Shakespearean actress and producer, said today a Southern college had canceled an engagement of her traveling troupe when she refused to withdraw two Negroes from the cast of "The Taming of The Shrew."

The troupe was to have given the play at Northwestern State College, Natchitoches, La., February 2. The Negro actors, playing servant roles, are Austin Briggs-Hall and Edmund Cambridge.

Dr. Dalfrod Towns, head of the college music department, wrote: "To date, Negroes have not appeared in our auditorium (in companies of their own, much less in mixed groups) and we frankly feel that the time to begin the practice in this area has not yet arrived."

Shakespeare Play Banned By Jim Crow

NEW YORK—Almost 400 years after his death, William Shakespeare, who probably never heard of Jim Crow, had one of his plays banned because of it.

It happened at Northwestern State College in Natchitoches, La., when school officials cancelled a scheduled production of "The Taming of the Shrew" because two Negroes appear in the cast.

Miss Margaret Webster, a world famous Shapespearian actress, has been booked with her traveling company at many universities throughout the country. But Northwestern officials cancelled the performance in consideration of "the ideas and sensibilities of our students, their parents and others in this area."

Considerable correspondence and telephoning between Louis Nizer, attorney for Miss Webster, and Northwestern authorities produced no compromises. Nizer insisted that the Negroes remain in the production. The school officials demanded that they be replaced for the Northwestern engagement.

Neither relented. The contract was cancelled.

The actors involved, chosen because "they were the best possible actors for the particular parts they play," are Austin Briggs-Hall and Edmund Cambridge. Briggs-Hall portrays Biondello, the Page to Lucentio. Edmunds plays the role of The Haberdasher and one of the Lord's servants.

Following the cancellation of the production, Miss Webster issued the following statement:

"My sole interest in this matter has been an artistic one. I have brought to the colleges and to the people of the country . . . Shakespeare's great works. We have encountered no difficulty in many southern cities which have welcomed this cultural enterprise.

"It was shocking to me, therefore, to find the ugly issue of race problem raised in this matter at the Northwestern State College at Natchitoches, La. Mr. Louis Nizer, my attorney, and I sought to avoid this controversy by every means, but we could not surrender the principle involved and I am pleased to say that neither would the Actors' Equity Association . . .

"I do not think the good citizens of the South will approve the action of this college, for they know that there is only one thing more expensive that education and that is ignorance."

Racial 'Revolter' Shot With BB

SHREVEPORT, LA., March 4—(U.P.)—A student who helped lead a vain revolt against 12 Negroes "mingling" with white delegates at a racial conference charged Saturday night that he had been shot with an air rifle.

The student was Richard Edwards of Shreveport. He said an "unidentified person whizzed by" in an automobile while he was standing on a street corner and shot him in the temple.

He said it was a "BB shot" that hit him and he believed it was fired from an air rifle by a "member of the opposition." The shot left a small, red welt that soon disappeared.

Edwards and three other Centenary College students—Clyde Hyde of Shreveport; Joe Mondello, Jr., of Benton, and Weldon Jolley, Jr., of Shreveport—walked out of a Southwestern Regional Conference of International Racial Clubs Friday.

They said they had seen the Negroes mingling on an equal basis with about 150 white delegates at business sessions and a barbecue and it was more than they could stand. The Lambda Chi Alpha Fraternity threatened to expel Jolley and Edwards for their attitude.

N. Y. Chauffeur Shot In Dixie Cafe Row

BASILE, La., Oct. 31—(AP)—A New York Negro was shot and seriously wounded as the climax to a dispute over "racial discrimination" at a cafe here.

Sheriff W. V. Larcade, of Acadia Parish (County), identified the wounded man as John Davis, 30, of New York City. He is employed as a chauffeur for Henry Kest, also of New York City, a traveling salesman.

The sheriff said Tuesday the fracas began when Kest and his chauffeur stopped at the cafe for supper. Cafe Operator Ellis Cohart told Kest he would serve Davis if he would go to the rear entrance.

Larcade said Davis came in the front door and became involved in a heated argument. The argument boiled int oa fist fight which ended when Cohart grabbed a .38-caliber pistol and shot Davis in the face, the sheriff said.

Zig-Zag Color Line

Negro Student Wins—Diner Is Shot

By the United Press.

BATON ROUGE, La., Nov. 1.—For the first time in history, a Negro will attend classes at Louisiana State University today.

Roy S. Wilson, 30, a graduate of Grambling (Negro) College won admittance through a federal court ruling after being turned down for LSU Law School by the university board of supervisors last summer.

The ruling disagreed with the board's contention equal facilities for Negroes were provided at a law school established at Southern University three years ago.

University President Dr. Harold Stoke said LSU "is under a direct court order and will obey it" although the ruling has been appealed to the U.S. Supreme Court.

CROWLEY, La., Nov. 1.—Charges may be filed today against a white cafe owner for shooting a Negro from New York

John Davis, 30, chauffeur for Henry Kest, a New York salesman, was shot in the face Sunday at Ellis Cohart's cafe at Basile, La.

Sheriff Walter Larcade said the fracas began when Mr. Kest and Mr. Davis stopped at the cafe for dinner and Mr. Kest asked Mr. Cohart to serve Mr. Davis. Sheriff Larcade said Mr. Cohart offered to serve him if he went to a rear entrance of the cafe. Mr. Davis, the sheriff said, walked in the front door of his cafe and began arguing with Mr. Cohart. The latter said Mr. Davis hit him with his fist and he grabbed a pistol and shot him.

NEW ORLEANS HITS AT RACISM

Special to THE NEW YORK TIMES.

NEW ORLEANS, Jan. 28—The people of Dixie, by and large, are extremely tradition-conscious. This week, the electorate of New Orleans weighed the Southern tradition of white supremacy against their proud record of gracious living and broad tolerance, and then gave a thumping vote in favor of local custom.

The occasion was the mayoralty nomination primary on Tuesday. The incumbent Mayor, de Lesseps S. Morrison, was seeking renomination.

Alvin A. Cobb, a minor political figure, entered the race as an avowed "white-supremacy" candidate, charging that Mayor Morrison's renomination would result in Negroes' sharing schools, restaurants and swimming pools with white people. His principal charge was that Mayor Morrison was "untrue to the South" when he awarded the key to the city to Dr Ralph J. Bunche of the United Nations.

This port city, famous for its Creole culture that emphasizes a pattern of easy acceptance, was stunned at this first public display of racial bigotry since Reconstruction days. New Orleans subscribes to the Southern pattern of segregation, but it has seldom known racial tensions or acts of violence since the "carpetbagger" days after the Civil War.

After the votes were in, the tabulations showed an all-time record of 185,167 ballots cast. Mayor Morrison received 120,582 votes and carried every ward in the city. Cobb received a mere 4,751 votes.

SOUTHERN COLLEGE BARS WEBSTER UNIT

Northwestern State, Louisiana, Cancels 'Taming of the Shrew' Due to 2 Negroes in Cast

The barring of Margaret Webster's Shakespearean company by a Southern college because of the appearance of two Negroes in the cast of "The Taming of the Shrew" was disclosed yesterday by Louis Nizer, attorney for the actress-manager-director.

The performance had been scheduled to take place at the Northwestern State College, Natchitoches, La., on Feb. 2, but was canceled by the institution when Miss Webster refused to replace the two actors or eliminate their parts.

Mr. Nizer explained that there are parts in the Shakespearean comedy portraying a servant of Tranio and another, a page, who is the liveried servant in the house of the lord where the play within the play takes place. "These two roles are portrayed by Negroes," said Mr. Nizer, and although they are rather insignificant parts they cannot be eliminated without affecting the performance of the main characters.

Miss Webster first learned of the objection, according to the attorney, in a letter from Dr. Sherrod Towns, head of the Music Department of the college.

"It has come to us by the grapevine," wrote Dr. Towns, "that there are two Negro members in your troupe. . . . We are certain that you can understand and appreciate our concern over the particular parts these two people play. Unfortunately, we feel that we are entirely too far in the Deep South to have them appear on the stage. While this letter is not the place or occasion to philosophize on the evils of segregation, suffice to say that to date Negroes have not appeared in our auditorioum (in companies of their own, much less in mixed groups), and we frankly feel that the time to begin the practice in this area has not yet arrived."

Miss Webster's reply, said Mr. Nizer, pointed out that the objection was the first of its kind to come to her "from anywhere in the South, or anywhere else," and that the problem of segregation was not the question at all.

"As far as I am concerned," asserted Miss Webster, "it is wholly an artistic one. I have cast the two Negroes for the sole reason that I thought they were the best posible actors for the particular parts they play and without regard to their race. The part of Biondello, the page to Lucento, is beautifully portrayed by Austin Briggs-Hall. The Haberdasher and one of the lord's servants are also, to my mind, finely done by Edmund Cambridge."

However, the college advised that it was canceling the engagement. According to Mr. Nizer, it said it had been advised by the Attorney-General of the state on the basis of "general laws" in the state.

After the college's final decision, Miss Webster stated she did not think "the good citizens of the South" will approve of the college's action, "for they know there is only one thing more expensive than education and that is ignorance." The actress, whose traveling company has been booked at many universities, said she sought to avoid the controversy by every means, but could not "surrender the principle involved and I am pleased to say that neither would the Actors' Equity Association."

Federal Judge Upholds Segregation In Parks

BALTIMORE, Md.—(NNPA)—Clinging to a 54-year-old precedent, Federal District Judge W. Calvin Chestnut last week upheld the segregation policy of the Board of Recreation and Parks.

Following the decision of Plessy vs. Ferguson, the first case in which the United States Supreme Court ruled that segregation does not violate the equal protection clause of the Fourteenth Amendment, Judge Chestnut dismissed a $500,000 damage and injunction proceedings brought by 21 colored and white plaintiffs.

The suit attacked the policy of park officials requiring segregation of white and colored players in golf, basketball and tennis in public parks.

Judge Chestnut ruled that "under Maryland law the Park Board did have the legal authority to require segregation of the races."

Among the plaintiffs were several persons who were arrested in Druid Hill Park more than a year ago when they attempted to engage in interracial tennis matches. Some of the players subsequently were convicted of conspiring to disturb the peace.

The case is a test case and it is expected eventually to reach the United States Supreme Court where there are now pending three cases attacking the decision in Plessy vs. Ferguson and asking the high tribunal to overturn it

Baltimore Judge Clings To Precedent; Upholds Jim Crow

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Court Studies AFRO's Suit Against Segregation Practicing Va. Justice

Judge Says Favorable Decision Would Open Way to End All Jim Crow in Public Areas

RICHMOND

The AFRO's historic injunction suit against Justice Carlton E. Jewett of police court, designed to end racial segregation in city-owned buildings, was argued Thursday, July 6, in Hustings Court, Part 2, before Judge M Ray Doubles.

Following the arguments by E Ballard Baker, assistant city attorney, representing the city, and Lynwood E. Smith, of the law firm of Smith and Lewis, counsel for the AFRO' the court took the case under advisement.

During the discussion, it was admitted on all sides that the action raises clearly the issue of the legality of racial segregation, the point being whethe ror not the court has a right to segregate persons in the room.

Stipulations Agreed to

Stipulations agreed to by attorneys for both sides conceded that the judge of a court has a right, in his discretion, to bar the public from the courtroom during a trial and to enforce the necessary rules for maintaining order.

Burden of Mr. Smith's argument, however, was that the jurist is stopped by the constitution from infringing upon a person's right to freedom of movement, so long as his movements do not disturb the proceedings, once he has been admitted.

He pointed out that to force a class of people, because of their color. to sit in a designated part of the courtroom inflicts upon them a badge of inferiority or degradation and denies to them the equal protection of the laws.

Scope of Suit Explained

"The suit," Mr. Smith pointed out, "was not brought by the plaintiffs in their own behalf alone, but on behalf of themselves and all other colored persons—persons similarly situated and affected by the justice's enforcement of the segregation rule."

He added that the jim-crow rule to spectators in the courtroom but to defendants, witnesses, relatives and friends of the accused and others. It is enforced against all colored persons and infringes the rights of both colored and white persons.

"With the United States assuming a leading role in world affairs and in these crucial times it is incongruous for a city in a democracy like ours to enforce or even condone racial segregation in a court of justice," Smith warned the court.

Ordinance Being Misused

Although admitting that the 1919 ordinance is "far on its face," Smith pointed out that it is being used by Justice Jewett to enforce and perpetuate the practice of segregation, adding:

"Any rules or regulations which deprive any citizens of this Commonwealth of their right to free locomotion or which tend to debase or degrade them is in violation of the Constitution of Virginia and the Constitution of the U.S."

Judge Doubles asked if this injunction was granted, restraining Justice eJwett from enforcing segregation in police court, would it not follow that the same prohibitions would apply to other city and State officers who attempted enforcement of similar rules.

Would Set Precedent

Lawyers on both sides indicated that the effect of the injunction would be to bring that about That is it would set a precedent upon which similar cases could be based.

Mr. Baker, who relied upon a city ordinance conferring upon the police justice power to "promulgate reasonable rules and regulations" for the conduct of his court. mentioning specifically health and safety, stressed the inherent powers of a judge.

The court asked upon the ordinance, which the plaintiff contended is unconsitutional in its application, Mr. Baker replied in the negative.

He stated that the city was relying upon the inrerent rights of a judge of a court and questioned the jurisdiction of the tribunal to act upon the issues raised in the suit, citing the lack of precedent for a court to issue an injunction against another court.

Mr. Baker said his research showed that courts in dealing with inferior courts invariably dealt with individuals — litigants in either the court below or the higher court—but not with those who, like the plaintiffs, are not litigants in either court.

This raised the point of whether the suit was directed at an individual or at a practice. It was made plain that the suit was directed at the practice of enforced segregation rather than at the police justice as an individual.

Suit a Test Case

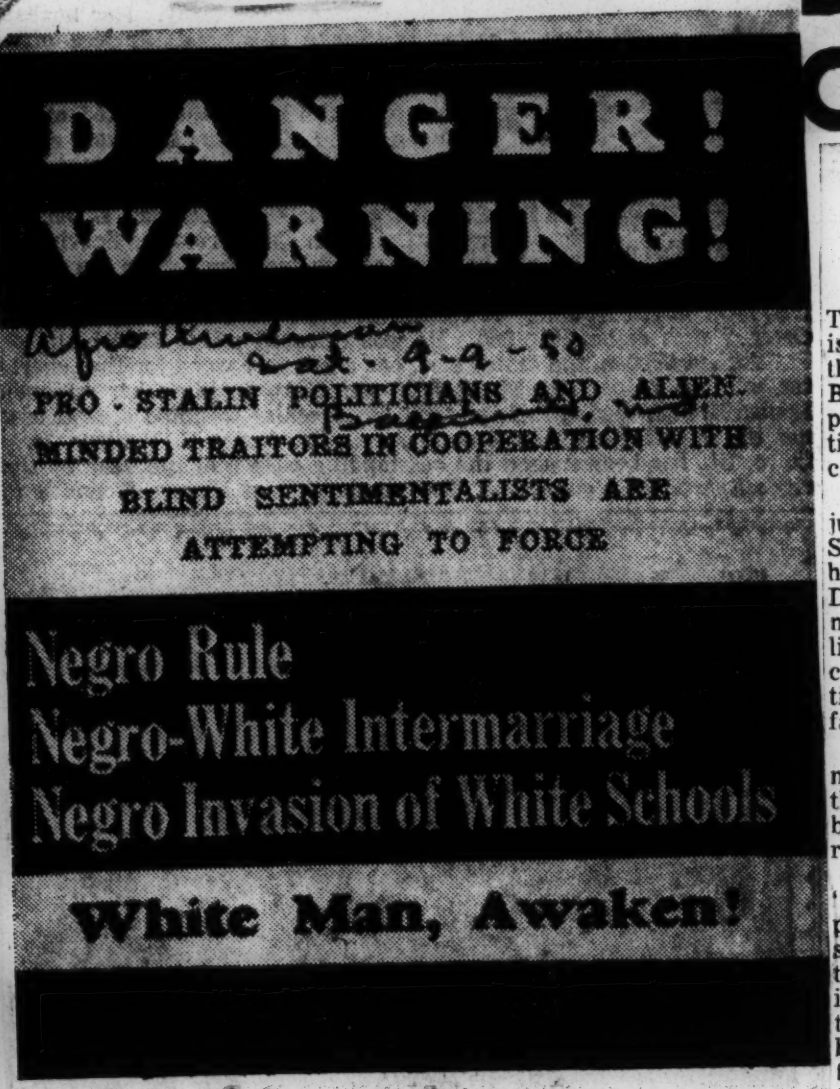
Citing a case in which a judge was upheld in his right to close a street because traffic noise interfered with the functions of his court, Baker contended that it follows logically that he has power to say where any person shall sit in his courtroom.

The suit, a test case, arouse last Sept. 14 when the plaintiffs—

wood Ave.; Mrs. Joyce Vernon, liams, 516-B N. Th[illegible]—seated themselves in the "white" section of the courtroom and refused to move.

After they ignored curt attaches' orders to move, Justice Jewett called them before him and ordered them escorted to the "colored" conference room, outside the courtroom, by two policemen.

Hate Sheet Circulated



This is the front cover of the hate pamphet found recently in the Roland Park area. The pamphlet attributed race difficulties to "pro-Stalin politicians and alien-minded traitors in co-operation with blind sentimentalists." The author of the pamphlet says he has no hate for colored people, but just wants to "keep them in their place."

Baltimore Park Bias Case To Supreme Court

To Test Legality Of Barring Mixed Groups at Parks

WASHINGTON, D.C.—(NNPA)—The United States Supreme Court is asked to pass on the legality of the action of the Baltimore Park Board of Recreation in refusing to permit interracial recreational activities in public facilities in that city.

The petition for a review of the judgment of the Fourth United States Circuit Court of Appeals upholding the action of the Federal District Court for Maryland dismissing a suit for injunctive relief and damages of $500,000 because of the exclusion of the petitioners from public recreational facilities in Baltimore.

The District Court granted the motions to dismiss on the ground that, under Maryland law, the park board had the legal authority to require racial segregation.

No question was raised as to "separate but equal" facilities provided for white and colored persons. The petitioners contend that the question is novel because it involves the constitutionality of the act of the recreation board in barring white and colored persons from associating together voluntarily in recreational activities.

They say there is no statue, ordinance, or written rule decreeing segregation in sports activities in public facilities in Baltimore, and there is no prohibition against joint sports participation among groups of citizens in Baltimore.

The petitioners are twenty-one in number, some adults and some minors, some white and some colored. They sued the park board, the Mayor and the City Council of Baltimore to restrain the enforcement of a rule or practice providing for racial segregation in athletic activities.

According to their original complaint, a mixed basketball team was refushed permission to play. Fourteen persons, white and colored, sought damages for being refused permission to continue playing interracial tennis on courts in Druid Hill Park.

Damages also were sought by a white petitioner for being refused permission to play golf on the Clifton Park Municipal Golf Course on a particular day on which the course was reserved exclusively for white golfers.

A colored golfer also sought damages for being refused to play on the same course on a day on which the course was reserved exclusively for white golfers.

I. Duke Avnet and Dallas Nicholas filed the petition for a review of the case on behalf of the petitioners.

Massachusetts Okeys State Anti-Bias Law

BOSTON—Governor Paul A. Dever on May 22 signed the Anti-Discrimination Bill which outlaws discrimination against persons at hotels, restaurants and resorts on account of race, creed or color.

The Massachusetts House of Representatives overwhelmingly approved the bill on last April 25 and the State Senate passed the bill last week. The bill also provides for the change of the name of the State Fair Practices Commission to the Massachusetts Commission Against Discrimination.

4 Sue Pleasure Boat Owner; Equal Facilities Denied

ST. PAUL, Minn.—(ANP)—Suit was filed in Ramsey County District Court here recently by two Negro couples charging the owner and captain of the S.S. Avalon, an excursion boat, with discrimination in violation of the state laws. Specifically, the plaintiffs charged they were willfully excluded from full and equal enjoyment of the boat's facilities.

Principals in the case are Ernest Meyers, 50, president and booking agent for the steamer Avalon, Inc.; Charles M. Hall, 69, boat captain, both of Cincinnati, defendants; Mr. and Mrs. E. Mitchell Rhone, J. Alphonso Horton and Miss Dorothy Monson, plaintiffs.

According to the quartet, they attempted to board the steamer July 2 for a midnight cruise down the Mississippi. They had purchased tickets previously at one of the places advertising the excursion tour.

When they went aboard, they were told by a watchman that the boat was for whites only. Hall then told them they could not enter the ship that night, but another night would be set aside for Negroes. Asked why a special night was to be set for Negroes and also why such was not contained in advertisements, Hall refused to answer.

After a conference with Hall, Meyers told the couples they could go on the cruise, provided they did not dance while there was drinking on the boat. Rhone and Horton refused to agree to this.

The ship comes annually to the Twin Cities sponsoring pleasure cruises down the Mississippi for a period of ten to fourteen days. Owners have refused consistently to allow Negroes to ride on the cruises, though riders are solicited from advertisements in the daily press and by posters throughout the city.

When the incident was reported, the two boat operators were arrested and held in jail for the afternoon. At a preliminary hearing, where both pleaded innocent to the charge, they were bound over to trial on Nov. 13. Meyer posted bail of $1,000 and Hall, $200.

Under state law, discrimination is a gross misdemeanor punishable by a year in jail or $1.000 fine.

Negro Ban At Beach Backfires

MINNEAPOLIS, Minn. — A swimming beach operator, found guilty of denying equal rights to a 14-year-old Negro boy, ward of the state, was to be sentenced this week for violation of a Minnesota equal rights statute.

Emil Engberg, who operates a beach at Twin Lakes, Brooklyn Center, was accused of refusing the admittance fee of Robert Baker, who resides at a state home 2237 Commonwealth Avenue, St Paul.

The incident occurred on Aug. 31, when Jack Simos, child-care supervisor of the state division of social welfare, took four boys to the beach for a swim. Engberg is reported to have accepted the admissions of the three white boys while refusing that of Baker.

Judge Theodore B. Knudson deferred sentencing to Wednesday, Nov. 1, after a District Court jury found the defendant guilty of violating the law which prohibits the denial of equal accommodations in public places.

Violation of the law is termed a "gross misdemeanor" and is punishable by a $1,000 fine or one year's imprisonment in the county workhouse. The case is believed to be the first conviction under the law's "catch-all" provision.

Mississippians See A Halo Fade In Minnesota

The McComb (Miss.) Enterprise & Journal

O MINNESOTA, thou virtuous evangel of purity, how couldn't thou? How couldst thou?

Thou saintly exchequer of the morals of America and fiery denunciator of the earthy ways of men of Dixie, how couldst thou in the face of all thy holy preachments, thyself turn to racial segregation?

Now comes news from St. Paul that knocks Minnesota's Horatio Humphrey's halo into a cocked hat. They're building a "Jim Crow" school in St. Paul, Minnesota.

Senator Horatio Humphrey, former mayor of one of Minnesota's great twin cities, made a fiery speech in the National Democratic Convention in Philadelphia and bitterly assailed the customs and traditions of the South and in a holier-than-thou spirit demanded in his campaign of political aggrandizement that the nation sweep segregation from the face of the earth. He grabbed the broom and started sweeping but he aimed his broom at Mississippi and other Southern states rather than sweeping before his own Minnesota door.

ODDLY enough as the Negro population commenced to grow in Minnesota the problem of segregation presented itself. The completion of an all Negro school in St. Paul scheduled for August first, is heart-breaking to those Americans who kneeled at the altar of Minnesota's sacred piety.

The Minneapolis Spokesman, published in St. Paul, in its issue of June 23, had this to say:

"Racial segregation has reared its ugly head in St. Paul." Then the paper tells of an all-colored school soon to be completed, "almost within the shadow of the state capitol." In other words, Minnesota, confronted with the problem of the South resorts to the South's way to find a solution. It's that simple.

Segregation is not a proposition to help white people alone. Segregation is recognized by leaders of both races as helpful to both races during this era when racial adjustments are being made. Our sanctimonious friends in Minnesota may be interested in this fact: There are more Negro students from north of the Mason-Dixon line who are attending Negro schools in the South than there are Negro students from that area attending non-segregated schools in the North. Weigh this statement carefully. Why do they come South? It explodes a lot of Humphrey's theorizing.

THE other day an eastern editor complained about segregated schools. This writer asked him, "How many Negro college presidents have you in your state?" He replied, "None." Then he was told that Mississippi has a half dozen or more Negro college presidents. This reflects the opportunity to Negroes found in segregation.

It should also be pointed out that the dual system of education was established in Mississippi under a carpetbagger administration when there were Negro officials within the state department of education.

This newspaper believes in eliminating all of the discriminations of race but in keeping the pattern within the realm of segregation which is within the scope of Christian idealism. So throw away your halo Senator Humphrey—your pious political halo. Your people, too, have feet of clay. Your Minnesota history is overtaking you, and your Minnesota theories and Minnesota demagoguery is bogging down.

Ole Miss Asked To Ban Student Editor Who Dared To Urge Negro Admittance

OXFORD — (AP) — The campus Senate of the University of Mississippi is expected to act tonight on a petition asking discharge of student newspaper Editor Albin Krebs, of Pascagoula, for his editorial urging admission of Negroes to white graduate schools in Mississippi.

The petition, bearing the names of 45 students, was submitted last week. The editorial appeared October 27.

In his editorial, Krebs said equal graduate school facilities are not available to Negroes in the state and "the pigment of a man's skin should not make any difference." The student editor said he spoke for himself and not for the student body.

If a special election is held, the campus Senate must adopt new legislation authorizing the move.

Chancellor J. D. Williams has adopted a hands off policy. He has said, however, that segregation is a state law and therefore University policy.

School Pays Back Anti-Negro Donor

WASHINGTON, Miss. — (ANP) — Little Jefferson Military college, once offered 25,000 acres of land potentially worth $50,000,000 if it banned Negroes and Jews from its student body, finally has paid off this potential doner, Judge George Armstrong.

Judge Armstrong, a white supremacist of long standing offered the school a portion of the conditions that it would never admit Negroes or Jews and that it would teach white supremacy. He also paid off a $5,000 debt of the school.

When Judge Armstrong's offer was announced, it received nationwide attention—and criticism. The board of trustees finally refused his offer when he would not change some of the conditions. (The school does not admit Negroes, anyway.)

Since then, however, donors from all over the United States have contributed to the cause.

OUR NEGROES ARE LOYAL

Let it be said to the credit of the leading Negro citizens of Jackson that they have no sympathy whatever with the effort to save Willie McGee from the electric chair.

That can be applied with equal truth to an overwhelming majority of our colored citizens.

They are self-respecting and law-abiding.

They favor fair and impartial administration of the law, regardless of to whom it applies.

Within recent days hundreds of our Negro citizens have given this assurance to Mayor Thompson and Chief of Police Holden.

Moreover, they have volunteered to render any assistance that may be asked of them in event of trouble during a threatened invasion by Civil Rights Congress followers on tomorrow.

It happens to be a well-known fact that Communists have never been able to make any headway with their cause among Southern Negroes. They have spent many thousands of dollars in attempts to form local organizations in the South, but with no appreciable success.

Our Negro citizenry, as a whole, is loyal, patriotic, peace-loving and law-abiding.

They resent the stirring up of racial strife of any kind or character, and have denounced it in their churches, their lodges, and other public gatherings.

Moreover, they cannot be duped or deceived.

They know full well that all this fuss and furore, and the spending of many thousands of dollars to thwart the orderly administration of justice in Mississippi is not in reality because of the belief in anybody's mind that Willie McGee is innocent. It is prompted by a desire to awaken sympathy and stir up discontent among our Negroes, and make dissemination of Communist propaganda more effective. Leaders of the race recognize this fact and refuse to be befuddled. They find no evidence of martyrdom in the case of Willie McGee.

ST. LOUIS FREEHOLDERS REJECT OUTLAW OF BIAS

St. Louis, (NNPA)-Proposals that the new City Charter outlaw racial discrimination in employment places of public accommodation and use of city property were rejected by the Board of Freeholders' special committee Monday night, Jan. 9. Action of the committee of four lawyers was taken on grounds that initiative and referendum provisions of the proposed charter provide a "clear-cut" procedure for 'determining whether the people of St. Louis want this kind of municipal legislation' and because inclusion of such provisions were deemed beyond the proper purview of the work of the Freeholders.

Committee Chairman Clem F. Strorckman, in a written opinion, said it appeared unnecessary to include such provisions because other sections of the charter gave the Board of Alderman powers broad enough pass ordinances on these matters.

In addition, he quoted sections of the State Constitution and statutes providing that "all persons are created equal and are entitled to equal rights and opportunity under the law."

LEGISLATIVE PROPOSALS

"Further," Strorckman said, "it appears that the proposals are legislative in character. The provisions are so particular and definite that they could probably be enforced by injunctive relief without being implemented by ordinances."

One of the proposals was presented by the Civil Liberties Committee of St. Louis. It would assure all persons free and equal privileges in "public accommodations, resort entertainment and amusement, and equal rights in employment, free from all exclusion, discrimination and segregation by reason of race color, creed, ancestry or national origin."

The other was offered by the St. Louis Branch of the National Association for the Advancement of Colored People. It would assure that city property would not be leased or rented to persons who would discriminate in their admission policy against others because of race, creed, color, national origin or membership in a labor or other organization.

Swimming Pool Clash Reported In St. Louis

ST. LOUIS — (SNS)—St. Louis abolished racial segregation in all municipally owned and operated swimming pools Thursday, but immediately instituted a new policy of "sex segregation."

As Negroes began using the pools for the first time, small groups of whites gathered around the pools and created incidents. Police had been assigned to protect the swimmers and three white boys were arrested.

Under the new policy of "sex segregation," Negroes and whites use the pools at the same time, but boys and girls are prohibited from swimming together.

When several Negroes went swimming at the pool in Fairground park a small band of white persons booed and jeered.

Later in the day, a group of more than 50 whites chased a Negro woman and a small boy. However, the group was dispersed by police.

U. S. District Judge Rubey M. Hulen opened the pool to Negroes last Monday. Judge Hulen had ruled in favor of two persons who had asked the court to enjoin the city from swimming in Fairgrounds and Marquette parks.

The court ruled that segregation in municipally-owned pools violates the constitutional guarantees of equal protection under the law.

In its answer to the suit, the city had contended that segregation was being ended in all municipal recreational facilties "as expeditiously as public feeling will permit."

Barred At Sherman Center

Form Private Club To Bar Mixed Dance Group

With the apparent help of the paid commissioner and the executive secretary of the Council on Human Relations, the City this week, made two moves to prevent interracial use of public recreational facilities, at Sherman Park Community Center. The director of Sherman Center, made the first panicky move of closing down the regular square dancing class when an interracial group of 15 persons, the Committee for Fair Play, first came to attend the classes.

The same group returned for the classes last Tuesday night and ran into the second move: the public square dancing class had suddenly become a "private" class with a permit from the Department of Public Welfare to carry on square dancing [illegible] the rest of the year. Wilford (Dukes) Duford told Mrs. Loretta Waxman, spokesman for the interracial group that she could apply for a similar permit, but could not say whether her group would receive the same privileges as the regular, but now "private" class.

Mrs. Waxman, 1306 Euclid, told ARGUS reporters that she applied for such a permit on Wednesday. She said she took this action despite the statement of Mrs. Dorothy Zimmerman, center director, that no facilities were available to accommodate her group.

Charge Intimidation

In a letter to Edmund Radzuk, commissioner of the Council on Human Relations, Mrs. Charlotte Shaechter, charged that police and plainclothes men were present in large numbers when the group first visited the center. She declared that in view of the orderly behavior of everyone, the presence of the policemen smacked of "intimidation." She urged the Council to inform the center personnel that her group, as citizens, had the right to use public facilities. Radzuk in denouncing Mrs. Shaechter's group as "leftist," and unworthy.

The Committee for Fair Play, is composed of residents of the Sherman Park Community Center Area. Its members are young people, and about evenly divided between Negro and white. Sherman Park is located at Kingshighway and Easton, an area which is steadily growing in Negro population.

Brand, Threaten Whites Who Aid Negro Friends

White persons who sought to attend square dancing classes with Negroes were denounced by Edmund Radzuk, Commissioner of the Mayor's Council on Human Relations and also threatened by an anonymous letter. Radzuk's letter to Mrs. Charlotte Shaechter termed the effort of a mixed group to join square dancing classes at Sherman Park Community Center "ill-advised" and also detected a 'leftist aroma attached to the procedure.' A more outspoken, but anonymous letter addressed to Sherman Shaechter, Charlotte's husband, contained abusive language, the epithet "n---- lover," and the veiled threat, " . . . if you don't watch out—well—".

Radzuk's letter to Mrs. Shaechter was in reply to her letter of April 5, protesting the action of the Director of Sherman Park, who called off the square dancing class rather than admit the mixed group on Tuesday, April 4. One week later, on last Tuesday night, a mixed group of 20 persons returned to square dance, only to be informed by Mrs. Dorothy Zimmerman, the director, that the class had been closed for the year.

Present at the time was Wil-

ford (Dukes) Dulford, executive secretary of the Council on Human Relations. Duford conferred with Mrs. Zimmerman and faculty in 1944.

Influenced greatly by the social consciousness of his parents Bowles was always active in civic affairs. A former Urban League member, he was currently serving as a member of the research committee of the League. He was a member of the American Association of College Professors, the Eta Boule of Sigma Pi Phi fraternity, and the Anniversary Club. A loyal member of Kappa Alpha Psi, of which he was a former Polemarch he sponsored the undergraduate chapter of the fraternity at Stowe.

The Russell Undertaking Company, 2732 Pine Blvd., is in charge of funeral arrangements.

Bowles is survived by his wife, with whom he resided at 4528 Kennerly Ave.; two sons, Frank, Jr. and Alfred; and four sisters, Miss Alice Bowles, Mrs. Ernelle Powell, Chicago; Mrs. Ruth Taylor, Washington, D. C.; Mrs. Idabel Waddy, Maywood, Ill. Alfred, a senior at the University of Michigan, had come home for Easter vacation.

Suit Filed Against Swim Pool Jim Crow

Complaint Based On Existing Civil Rights Measure

ST. LOUIS— (NNPA) —A suit was filed in the Federal District Court here last Thursday asking that exclusion of colored residents from use of municipal outdoor swimming pools be declared illegal and that the city be enjoined from continuing the exclusion on grounds of color.

The suit was based on existing Federal civil rights laws and the the United States Constitution.

Plaintiffs in the case are Geo. W. Draper, a lawyer, and Miss Rose Taylor, a secretary in the office of the St. Louis branch of the National Association for the Advancement of Colored People. Both allege that they were refused admission to Fairgrounds Park swimming pool Monday, June 19, because they are colored.

They asked the court to award them compensatory damages of $10,0000 and punitive damages of $25,000.

DEFENDANTS LISTED

Named as defendants in the suit are the City of St. Louis, Mayor Joseph M. Darst. Director of Public Welfare John J. O'Toole and Park Commissioner Palmer B. Baumes.

The plaintiffs point out that Darst, O'Toole and Baumere, under city ordinances and regulations operate the swimming pools at public expense with tax money. They assert that the exclusion of colored persons from the pools "solely because of their color" is arbitrary, deliberate, undemocratic and contrary to the policy of the United States, violative of the Fourteenth Amendment of the United States Constitution and deprives plaintiffs of the equal protection of the laws.

CHARGE BIAS

It also is alleged that the "whole government" of the city "is permeated and honeycombed" with racial discrimination, depriving colored citizens of their rights, limiting their opportunities, subjecting them to humiliation and embarrassment and depriving them of first-class citizenship.

Mr. Draper and Miss Taylor applied for admission to Fairgrounds Park pool the afternoon it was opened for the summer. They were refused admission by Louis Fierer, supervisor of the pool, who told them he had been instructed by the Division of Parks and Recreation of the Department of Public Welfare not to permit any colored person to swim in the pool. He directed them to any one of four indoor pools that the city maintains for colored people.

St. Louis Aldermen Kill Anti-Segregation Measure

ST. LOUIS — (NNPA). — The Board of Aldermen last Wednesday killed the civil rights bill which would have prohibited segregation in theaters, hotels, restaurants and other places of public accommodation, despite the strong fight put up for the bill by its author, Alderman Jasper C. Caston, colored Republican of the Sixth Ward.

By a vote of 21 to 6, the board adopted the recommendation of its legislation committee to file the bill. Before taking this action, which killed the bill, the voted rejected Caston's motion to defer consideration of the measure by a vote of 18 to 9.

The vote to file was taken on motion of Alderman Louis Berra, chairman of the legislation committee.

Speaking in support of his motion to defer consideration, Caston said, "it appears to have been the objective of the committee not to consider the merits of the bill but to get rid of it, and escape blame for its failure to pass.

"The bill has been the victim of evasion from the start. I can't find four members of the committee who will say the bill is morally wrong."

Berra said the final recommendation of the committee had been that the bill be placed on the ballot. He added that the only way this could be done was by initiative petition and that it was too late at this session for such a step. He suggested that the bill could be re-introduced at the next session.

Aldermen Sidney Redmond, Republican of the Eighteenth Ward, and DeWitte T. Lawson, Democrat of the Nineteenth, both colored, supported Caston's effort to obtain a consideration of the merits of the bill.

Madison Avenue Girl:

Discovers Modeling School Ad 'For Whites'

A 23-year old St. Louisan discovered that the Patricia Stevens' Modeling School television advertising did not mean "all young women," this week.

Miss Betty Louise Wright of 2808 Madison avenue, answered one of the school's ads on TV, and ultimately received a telephone query from the firm at 1134 Locust street, that "you have won a trip to Europe," and requested that she call at the school on Tuesday evening at 7 o'clock.

Upon arrival, Miss Wright accompanied by her sister, was told by Wanda Hamilton at the school that there were not enough qualified colored girls in St. Louis to warrant a course by Patricia-Stevens and urged that she try Chicago or New York.

Despite Miss Hamilton's assertion, a school is presently operating in St. Louis, accepting young ladies of all races, the Argus learned.

Queried by the Argus Wednesday afternoon, officials of the Gloria Bradford School of Charm 4527 Olive street, said "there is definitely a need for a charm and modeling school in St. Louis that will accommodate persons without regard to color."

The officials, Brad Harrison and Gloria Heck, spent one year checking, interviewing and laying the groundwork for the school, they said. Both are former employees of Patricia-Stevens.

"We took the time in order that we might develop this project on more than just a commercial basis. We wanted an institution of service," Harrison said.

Harrison taught drama and speech and Miss Heck was studio director for two years at the Lily-white Company.

Both agreed that they received the initial idea for the school as a result of inquiries made at Patricia-Stevens by Negro applicants.

"They would fill out a card and tell the girls we'll call you," Harrison said, "then later throw them in the waste can. Our first leads came from those cards in the waste cans."

George Handy, managing director at Patricia-Stevens, told the Argus, "we don't have the proper facial make-up at present for colored girls, but we're working on a deal." He declined to elaborate on the deal.

Judge Orders White Swim Pool Opened To Negro Residents

ST. LOUIS—(AP)—A Federal judge today ordered the city of St. Louis to open its outdoor swimming pools to Negroes and whites alike, effective Wednesday morning.

The city asked for a delay, to give time for an appeal, and the judge ordered a hearing on that request for tomorrow.

U. S. District Judge Rubey M. Hulen granted an injunction sought by two Negroes, George W. Draper, attorney, and Miss Rose Taylor, office secretary for the National Association for the Advancement of Colored People.

One of the pools, in Fair Grounds Park in North St. Louis, was the scene of clashes between Negroes and whites last summer, just after the city officials opened it to Negroes. Several persons were injured in a flurry of sticks and stones. The order admitting Negroes was rescinded promptly.

Only two such pools are involved: the Fairgrounds park and Marquette pools. Another pool currently under construction has been announced as available to all races when it is completed.

The injunction was issued at the petition of two St. Louis Negroes, Attorney George W. Draper and Miss Rose E. Taylor, an office secretary for the National Association for the Advancement of Colored People.

Judge Hulen said he found that the city's segregation policy was based purely on custom and there was no authority in any city ordinance, state statute or Missouri's new state constitution for such restrictions against Negroes.

The city had contended that although there was segregation at the two outdoor pools, four of the seven municipal indoor pools were open to Negroes.

Named as defendants, besides the city, were Mayor Joseph M. Darst, Director of Public Welfare John J. O'Toole, and Parks Commissioner Palmer B. Baumes.

City Counselor James E. Crowe said the city would ask Judge Hulen for a stay of execution in order to permit an appeal to the U. S. Circuit Court of Appeals.

Rules Negroes May Use All City Facilities

Rubey M. Hulen Says Constitution Was Violated

ST. LOUIS.—(INS) — Federal Judge Rubey M. Hulen Monday, July 17, enjoined the city of St. Louis and its officials from enforcing race segregation in city-owned and operated outdoor swimming pools.

Judge Hulen ruled that Negroes may not be prohibited from entering such pools. He said the injunction would go into effect at 6 a.m. Wednesday, July 19, and remain in effect "so long as any such recreational facilities are being furnished to any other race of citizens of the city of St. Louis."

permitted to use the pools together. Boys and girls, however, cannot swim at the same time."

During the first day of swimming in the city pools, a crowd of youngsters reportedly chased a group of Negroes and a woman with a small boy from use of the pool. Police were on hand to disperse any activities of this nature of course.

The fallacy in the whole thing is that, under a situation like this, where it has become law to use the same facilities, people should learn to get along wth each other. At times like these, when our nation it is about to be thrown into another bloody conflict, we need all the good will and cooperation we can muster. This is no time for riots, friction and trouble between the races. Intelligent and far-sighted people reason this way.

St. Louis has long been a town where fairly decent race relations have existed. The one reason for a disturbance now is that subversive groups within our midst are encouraging friction. These groups will continue to cause this friction They want misunderstanding between Negroes and whites.

Each time there is a fight or riot between the races, aggressor nations are given more fire- and ammunition with which to fight aganst the ideals of democratic countries.

Reviewing The News

BY WILLIAM GORDON

Information comes out of St. Louis that local authorities have dropped the color bar in swimming pools. The information reads:

"St. Louis stopped segregating Negroes and whites in its public swimming pools Wednesday but instituted a new policy of sex segregation.

"Negroes and whites," the information went on to say, "are now

Swimming Pool Case Dismissed In St. Louis

ST. LOUIS—(NNPA)—The city's appeal of the decision of Federal District Judge Rubey M. Hulen, who ordered the city's outdoor swimming pools opened to colored swimmers, was dismissed last Wednesday by the city counselor's office.

City Counselor James E. Crowe said his office did not feel that the appeal would be sustained by the United States Circuit Court of Appeals or that the court would reverse Judge Hulen's dicision in view of recent Supreme Court decisions on similar matters.

State Association Still Jim Crows Negro Teams

JEFFERSON CITY, Mo. — (Special)—At the meeting of the board of control of the Missouri State High School Activities Association in Kansas City Saturday, the nine Negro members of the association for the second straight year were barred from participating in the state high school basketball tournament sponsored by the association.

Pay But Can't Play

The Negro schools that are members were barred by the simple expedient of releasing a list of the schools eligible to participate in the state tournament and carefully excluding from the list the names of the Negro schools.

Negro members pay the same dues as other schools and are allowed to participate in track and cross-country state meets but are excluded from participation in the baseball, wrestling, boxing, tennis, golf, swimming and basketball state tournaments.

Negro schools that accepted the "Jim Crow" membership in the Missouri State High School activities association are Washington Tech, Sumner and Vashon of St Louis, Douglass of Webster Groves Kinloch, Charles, Douglass of Festus and Bartlett of St. Joseph.

30 Refuse Jim Crow

Thirty other Negro high schools including Lincoln High of Kansas City and Coles Vocational High of Kansas City refused to accept Jim Crow membership in the State Activities Association and maintain membership in the Missouri State Negro Interscholastic Athletic Association.

The M.N.I.A.A. state basketball tournament will be held at Lincoln university the second week-end in March. This is still the ouly state basketball tournament open to Negro high schools.

Mixed Swim Pools Upheld In St. Louis

ST. LOUIS (MCPB) — The city of St. Louis appeal for a reversal of a United States judge's ruling against segregated swimming pools was thrown out here last week-end.

The appeal of the decision of U. S. District Judge Rubey M. Hulen, who ordered the city's outdoor swimming pools opened to all races was dismissed by the city counselor's office.

City Counselor James E. Crowe said his office did not feel that the appeal would be sustained by the U. S. Court of Appeals or that the court would reverse Judge Hulen's decision in view of recent Supreme Court decisions on racial matters.

Negro High School Teams Barred From Missouri Cage Tournament

JEFFERSON CITY, Mo. — At the meeting of the board of control of the Missiouri State high school Activities Association in Kansas City to-day the nine Negro members of the association for the second straight year were barred from participating in the state basketball tournament sponsored by the association.

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The MNIAA state basketball tournament will be held at Lincoln University the second weekend in March. This is still the only state basketball tournament open to Negro high schools.

WALTER GORDON AND MAJOR McCORMICK REFUSED ROOMS IN HOTEL STATLER OF ST. LOUIS

Negro Delegates to Congress of Correction Wait Six Hours in Hotel Lobby

ACCOMMODATIONS FOUND IN PRIVATE HOMES

ST. LOUIS. — Refusal of Hotel Statler to provide accommodations for Walter Gordon, celebrated California penal authority, his wife and other delegates to the convention of the Congress of Correction because they are Negroes, drew prompt and vigorous criticism from other convention delegates today.

A resolution urging that all future meetings of the organization of penal officials be held in cities where hotels do not practice racial segregation was being prepared for presentation at the group's general meeting tonight.

6 Hours In Lobby

Chairman of the California Adult Authority, Gordon, his wife and H. C. McCormick, superintendent of a Negro boys' school at Boley, Okla., sat for about six hours in the hotel's lobby yesterday after being told that rooms would not be available for them.

Another who accorded similar treatment were Percy Lowery, chairman of the Ohio Pardon and Parole Commission of Columbus, and his wife. The Negro delegates found accommodations in private homes here, convention officials said.

Gordon was cited last winter on the radio program, "This Is Your Life," for his work as a penal and parole official. Gov. Earl Warren of California appeared on the program with him and congratulated him.

Urge End To Pool Incidents

ST. LOUIS.—(INS)—St. Louis religious leaders have asked unruly St. Louisans to stop hindering the end of segregation in city-owned swimming pools.

The appeals were made as incidents continued at Fairground park outdoor swimming pool Friday, the third day of inter-racial swimming. Four more men were arrested for making objectionable remarks. No physical violence has occurred.

Statements by leaders of all faiths pointed out that America is fighting for democracy in Korea, yet some St. Louisans are endangering democracy in their own city.

Meanwhile, a vigilant police department is doing its best to prevent any racial disturbances by keeping a close watch at municipal pools.

However, Mayor Joseph M. Darst was informed that police officers will not be able to provide protection on July 31, Aug. 1 and 2. The reason is that nine hundred police officers will be needed at the polls for the Aug. 1 primary election.

A closed meeting was held in the office of Mayor Darst to discuss the swimming pool problem.

There have been numerous outbreaks of ill-feeling at the city's two outdoor pools since they were opened to Negroes as well as whites. Only the presence of more than two hundred policemen has prevented these outbreaks from turning into pitched battles of violence. There were about 171 on duty at Fairground today and another forty at Marquette.

Police asked three Negro women swimmers to leave the Fairground pool because of taunts and jeers from about 35 white spectators. The women were removed from the area in a patrol wagon.

Three Negro boys who swam with nine white boys at the Marquette pool were likewise escorted from the area in police squad cars after they had finished swimming.

Fifty police, with nightsticks drawn, had to protect a group of a dozen Negroes at Fairgrounds park from a shouting crowd of whites. Some of the crowd chanted: "Let's close the pool."

Three white men were arrested and taken to the Penrose Street station after they made insulting remarks to the police.

The meeting in the mayor's office was attended by police officials and representatives of groups trying to eliminate racial friction in the city.

Excerpts From the Hearing in the St. Louis Swimming Pool Case

NOTE TO EDITORS: On July, Judge Rubey M. Hulen of the District Court of the United States sitting in St. Louis handed down a decision requiring the City of St. Louis to open its swimming pools to all citizens without regard to color or race. Appearing before Judge Hulen the following day James E. Crowe and John P. McCammon, city counselor and associate city counselor, respectively entered a motion on behalf of the city to suspend or modify the anti-segregation order pending appeal. The motion was overruled. The following excerpts are from the hearing on July 18.

MR. CROWE: Now, I would say this: That as a practical matter, that this decision will have some reverberations in the community, and that is is only proper and would be practicable that, in this matter, after the Court has decided this case and the matter was allowed to work it sway into the minds of the public so that acceptance could be granted, would beaccepted by the general public as a whole and thereby lessening any possibilities of incidents that would not help in the field of human relations but would do more to injure them than anything else.

In that line, my very intellectual associate, Mr. McCammon, has called to my attention some quotation from Bacon, in which he says:

> "Certainty is so essential to a law that a law without it cannot be just, for if the trumpet give an uncertain sound, who shall prepare himself to the battle? So if the law has an uncertain sense, who shall obey it? A law, therefore, ought to give warning before it strikes."

I think that that is the situation here.

THE COURT: Did your Mayor not give a warning last year in a public statement in which he said that he knew that Mr. O'Toole was acting in accordance with the law in opening the outdoor swimming-pools? Wasn't that a warning? And wasn't it recognition the Mayor knew what he was doing was not in accordance with the Constitution?

MR. CROWE: Of course, your Honor, the exact manner in which the incident last year came about and how the rule was applied is not here and would be very difficult - -

THE COURT: You are talking about warning?

MR. CROWE: Yes.

THE COURT: It has been over a year since the Mayor announced publicly there was no question about Mr. O'Toole being right on the law.

You overlook the fact that I am under oath to support and defend the Constitution. Everything you have said that Mr. Bacon said doubtless was said in substance in every case decided by the Supreme Court on this subject of equal rights. Those matters do not abrogate the Constitutional provision. I have no choice in the matter when a case is presented to me which shows a man's Constitutional rights have been abrogated. You are arguing that I should disregard my oath because of some custom that prevails here.

There isn't anything in my oath says: "If there is a custom prevailing that makes the recognition and carrying out of your duties obnoxious to certain people, therefore disregard your oath."

THE COURT: I will tell you one reason why I am not going to give you a stay, and the only reason: Mr. mind hadn't any substantial doubt on what this Court's ruling should be in this matter. I think on your pleadings that the plaintiffs would have been entitled to a judgment as a matter of law, under the pleadings.

I don't think you plead to a defense on the matter of equal fa- [illegible] own witness, the chairman or member of the Council of [illegible]ons, said "undoubtedly there is no comparison between [illegible]nd outdoor pools. There was that testimony not by the [illegible] from your own witness.

[illegible] choice have I got when I am presented with a case of [illegible] your briefs - - I have read them both - - you did not cite [illegible] sustained your position.

[illegible]VE: Well, your Honor, we cited a case - - the case of [illegible] golf course and which you indicated that you did not

[illegible]T: No, I did not say that. You are not quoting me cor[illegible] Baltimore case, the Court suggested that perhaps that [illegible]nt to permit the white citizens to use a golf course on [illegible] the colored citizens to use it on other days, but I said [illegible]empted to give the white citizens and the colored peo[illegible]signment of days, make a provision of that kind, based [illegible]s of whites and Negro citizens, that in my opinion would [illegible]est of the McLaurin case.

[illegible]VE: Yes.

MR. CROWE:

THE COURT: That case is the last ruling of the Supreme Court and in my opinion it means that equal facilities must be equal in fact and not in theory.

There are some cases where they have been ruling based on equality in theory; but that is not the ruling in the McLaurin case. There the petitioner, the Negro was permitted to sit in the lecture room and hear every word of the lectures that every white student heard; he was permitted to use the same library and every book that the white students were permitted to use; he was permitted to eat in the cafeteria and get his meals in the cafeteria where the white students got their meals, but because they said to the Negro, "This table in the library is for your use," "You must use this bench in the lecture room," and, "You must use this table in the cafeteria," that is not equal facilities within the requirements of equal rights.

Now, that is not the ruling in the Gaines case, if you read it superficially; they did not have that question before them.

When certain of your witnesses come up here and say "undoubtedly" no comparison between indoor pools and outdoor pools, and you made no effort to show that there were equal facilities - -

MR. CROWE: We presented the evidence.

THE COURT: Why, what choice do I have, under my oath to support and uphold the Constitution?

MR. CROWE: We presented evidence to your Honor as to the construction of the Vashon pool, and we presented a case decided by the United States Court of Appeals of the District of Columbia that said -

THE COURT: I don't think that case will be sustained. I don't think it is as important as the McLaurin case.

MR. CROWE: Well, of course, we are presenting cases here we think are still in being.

THE COURT: It is not binding on me, if I think it is in conflict with the McLaurin case, and I think it is.

MR. CROWE: What I am trying to point out to your Honor is - I think it is, of course, not my intention or would never be to ask anyone to violate their oath, particularly a judge, but I do now - -

THE COURT: I think I would, if I followed Mr. Bacon's theory.

MR. CROWE: Well, it may be, but that would be your opinion, and you are the best judge of that; but I do point out to your Honor that there is a legal question involved here which certainly is not susceptible to scientific precision decision.

THE COURT: If I had doubt about it, substantial doubt, I would sustain it, but in my mind I think I would be stultifying myself.

MR. CROWE: I appreciate your Honor's ruling.

THE COURT: The summer will be gone by before this appeal will be passed on.

MR. CROWE: I appreciate that.

THE COURT: No way for the appelate court to decide this case before fall.

MR. CROWE: I appreciate everything you have to say, and your position in the matter, and the effect of your decision, and I, of course, am in a public position, the same as you, and I am also trying to represent the viewpoint of the community as I see it.

THE COURT: How do you know you are representing the viewpoint of the community?

MR. CROWE: I don't know. As I see it, your Honor.

THE COURT: Did you take a vote on the matter?

MR. CROWE: No, I haven't.

THE COURT: Does the viewpoint of the community set aside the Constitution? Is the Constitution to be shelved for an hour, or set aside, because one part of the community happens to have an antipathy towards it?

MR. CROWE: Well, I don't know that anyone here would be for setting aside the Constitution. It is just a question of how the Constitution should be interpreted.

THE COURT: You mean by a minority or by a majority?

MR. CROWE: I would not suggest a vote, your Honor, to determine it.

THE COURT: They are either entitled to Constitutional rights or not.

MR. CROWE: That is correct. I agree with you.

THE COURT: I have no intention of putting my ear to the ground, to see what the people are thinking. I think any judge that would do that would be a dishonor to the bench.

MR. CROWE: I think so too.

THE COURT: I have only one duty, to pass on the law as I see it.

MR. CROWE: I agree with you.

THE COURT: And if I make the observation, I think that the same duty rests upon all of you to determine what the law is and follow it.

MR. CROWE: That is correct. And we have tried to do that, to the best of our ability.

Atom Bomb-Making Town Made Barberless by Whites' Bigotry

LOS ALAMOS, N. Mex. — Because William G. Stone, security inspector in this atom bomb-making center, could not get a haircut from any of the six white barbers at the only shop in this town because of his color, neither can anyone else get one here.

The barbers walked off their jobs rather than cut Stone's hair; and because no one who is not gainfully employed is allowed housing in Los Almos, the "striking" barbers had to leave town and no whites who would cut Stone's hair could be hired to replace them.

When asked to accept the compromise of having the shop's manager cut his hair elsewhere than in the shop, Stone replied: "Either you believe in democracy or you don't. I wouldn't consider myself capable of handling my job as security inspector if because of my color, I had to be treated differently than other people."

Bowling Congress of 'Whites Only' Faces Ban Throughout the State

By ARTHUR GELB

In an unprecedented action against racial discrimination in sports, Attorney General Nathaniel L. Goldstein moved yesterday to bar the American Bowling Congress from sponsoring tournaments and carrying out other activities in New York State.

Mr. Goldstein pointed out that the fifty-five-year-old international organization, with 1,000,000 bowlers enrolled in its 1,500 local associations, limited its United States membership to "white males" only. This is a restriction contrary to the public policy of the state, the prosecutor declared.

"I know that the American people do not tolerate bias in sports," he said last night. "Racial standards must never bet set up as a test of athletic ability. All of us have been proud of such champions as Joe Louis, Jesse Owens and the great Jackie Robinson of my own Brooklyn Dodgers."

An investigation of the congress was opened by his office, the Attorney General added, as a result of "an increasingly disturbing series of incidents which have taken place in this state during the last few years from New York City to Buffalo." He cited one case in which a bowling team composed of Negro members of an American Legion post was refused entry into a tournament.

After serving a summons late Tuesday on James A. Wilson, a vice president and treasurer of the congress, the Attorney General's office filed a complaint against the "tenpin" outfit at 11:10 A. M. yesterday in Supreme Court here. The complaint alleged that unless the congress, organized in 1895 and incorporated in Illinois in 1903, was enjoined from operating in this state it would continue its activities "to the imminent and irreparable injury of the people of New York."

The bowling group got twenty days in which to answer the charges. When it makes a reply, a hearing date will be set by the court. Mr. Goldstein also is proceeding against the organization on what may have been its oversight of the law. The Attorney General asserted that the defendant corporation was doing business in the state "without first having obtained from the Secretary of State a certificate of authority as required by section 10 of the General Corporation Law."

In Malwaukee, where the Congress maintains its general offices, Frank Baker, assistant secretary, commented last night that "we are a membership organization and as such have a right to set our own rules for competition."

"Wet seek to exercise no jurisdiction over who uses bowling alleys and claim no authority to dictate to non-members," he added. "If they are trying to say that we are trying to keep everyone but whites out of the game of bowling, we deny it."

Charges Ban on Some Alleys

The "white male" rule, the Attorney General said, is in section 4, article 3 of the organization's constitution. He further accused the group with approving for tournament play "only those bowling alleys in the state which deny use of their premises and facilities to any league or tournament which does not restrict admission and play to members of the white male sex."

Article 2 of the organization's constitution says in part that an objective of the organization is "to foster the spirit of good fellowship, increasing by organization an interest in the bowling game, and to exercise care and supervision over all affiliated bowling organizations, associations and establishments in the Western Hemisphere."

The congress also adopts and enforces uniform rules, laws, qualifications, conditions and method of playing the game and conducts annually an American Bowling Congress Championships Tournament. The next one is scheduled to start in Columbus, Ohio, on April 15.

At last year's convention, held in March at Atlantic City, the bias issue was forced into the open, due mainly to the efforts of the Rev. Charles Carow of the Catholic Youth Organization of Brooklyn. He proposed that the congress vote an amendment to its constitution to permit bowlers outside the white race to participate in its yearly tournaments.

The amendment was turned down by the organization's 700 delegates. The bowlers' stand was later deplored by Mayor Frank Zeidler of Milwaukee. Joseph L. Bustard, assistant commissioner of education in New Jersey, also scored the bowlers.

Last October, the Illinois Attorney General, John S. Boyle, filed a suit asking revocation of the charter of the congress because it incited to racial discrimination. Earlier that month, the Congress of Industrial Organizations announced in Washington that it also was seeking revocation of the bowling group's charter on the grounds that the organization violated the United States Constitution, the Illinois Constitution, several state laws and the Sherman Anti-Trust Act.

The congress has been attacked in its "white male" clause by the National Association for the Advancement of Colored People, the United Auto Workers, the Japanese-American Citizens League, the National Labor Service, Anti-Defamation League, the American Veterans Committee and the National Committee for Fair Play in Bowling.

Negroes Refused Golf Course Use

Constitution State News Bureau

ALBANY, Sept. 28.—Albany City Commissioners refused to allow Negroes use of the municipal golf course in a decision made this week when representatives of the Albany Negro Voters League appeared before the Commission and made the request.

Mayor Menard Peacock and the commissioners said they "would permit no segregation changes," and the mayor pointed out the City is granting more funds for Negro recreation than ever before.

New Move Against Discrimination

ITHACA, N. Y., Feb. 25—Student delegates from seventeen Northeastern colleges and universities meeting at Cornell University last week-end laid plans for the creation of a national organization to promote inter-racial and inter-faith activities on the college campuses of the nation. The conference was sponsored by Watermargin, an inter-group student house here. Watermargin derives its name from an ancient Chinese text on the theme that "All men are brothers."

Delegates were particularly concerned with "written and unwritten" discrimination practiced by fraternities and other campus social groups. While observing that some organizations had taken steps to break down barriers, they said that most organizations were still limited to members of the same race or religion.

A New Organization

The proposed organization will be set up at a convention this spring. It will act as a clearing house, similar in some respects to the National Interfraternity Conference, which functions in behalf of most Greek-letter societies, and will aid the exchange of ideas and the promotion of cooperative programs. It will also offer a haven to those fraternity chapters which leave, or may be expelled from, their national bodies because of differing views.

The organization, it was pointed out, will not compete with the fraternities, nor will it engage in "missionary work" or "crusading." "We do not intend to become martyrs," Robert Kushell, a Cornell student, asserted. "We merely want to prove that students of all backgrounds can live together in democratic fashion and like it."

The delegates believe that a majority of the nation's students would support them. Some representatives, from inter-faith Greek-letter groups, declared that fraternities which "flout democracy and practice bigotry" would lose members and soon find themselves "out of business." Mrs. Elizabeth S. Sargent, director of social education at Temple University, who acted as adviser to Temple's "One World League," predicted that the new movement would "spread like wildfire."

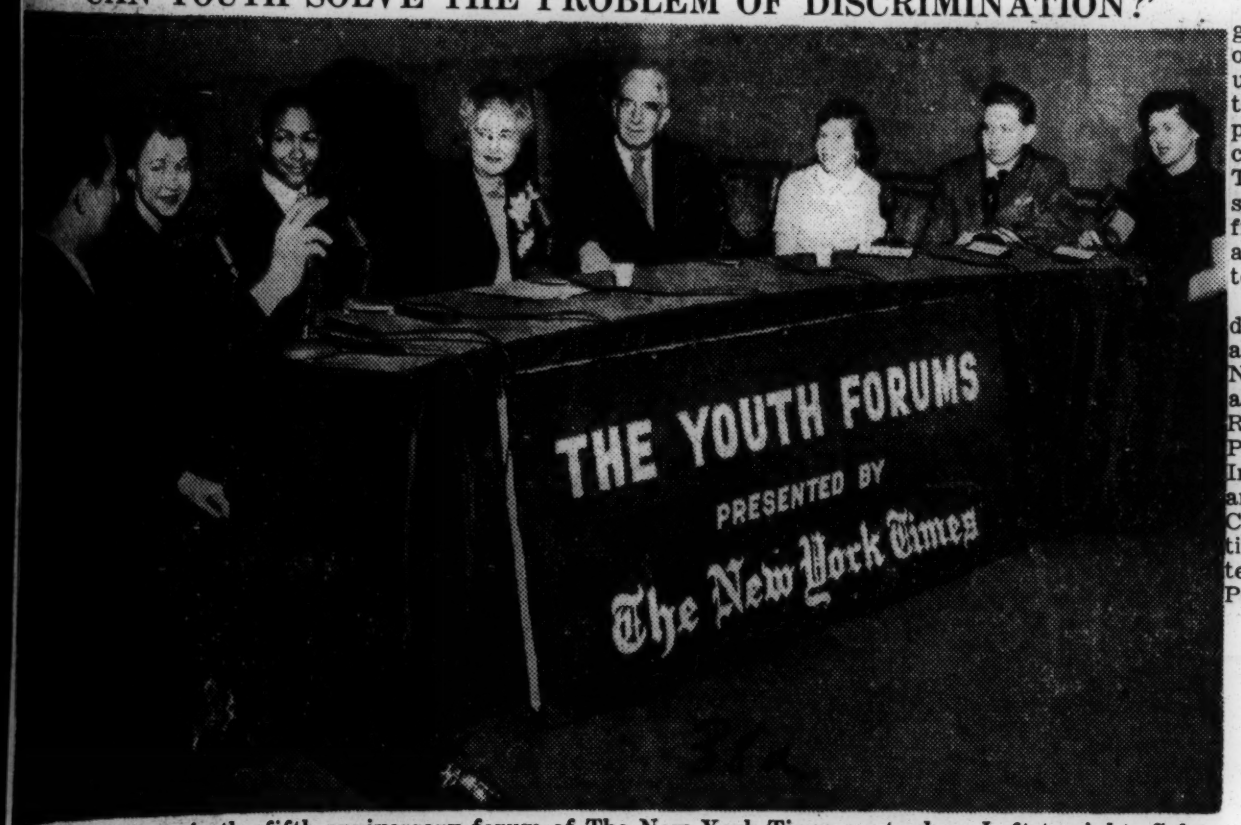
The delegates said that they were particularly encouraged by the progress of Watermargin and said that it was proof that an inter-group unit could succeed. Founded three years ago by eleven war veterans, Watermargin now has eighty-seven members and its own house, where thirty-one students live.

New York Leader Here

Augusta Ga. 8-11-55

Mrs. Lillian Sharpe Hunter, Field Commission Against Discrimination in New York City, was the weekend guest of her cousins, Mr. and Mrs. Kirk P. Gaines, Jr., at their home, 4925 Fountain Avenue. Mrs. Hunter was enroute to Los Angeles, California and Oakland, California. Motoring with her are Mr. and Mrs. Sandy Pulliam, of New York, Mrs. Delores Swett of Hartford, Connecticut and Henry Craft of N. Y. The Clem Billingslys, also relatives of Mrs. Hunter, entertained over 25 relatives on their lawn on Sunday following a dinner party by the Gaines. Other relatives of Mrs. Hunter, are: Mrs. Lelia Sharpe and family of Page Blvd.

'CAN YOUTH SOLVE THE PROBLEM OF DISCRIMINATION?'



Participants in the fifth anniversary forum of The New York Times yesterday. Left to right: Solan Chao, Dorothy Weiss, Leonard Riley, Dorothy Gordon, moderator; Arthur Mayer, guest on the program; Laura Rilander, Norman Reiss and Claire Pratt.

The New York Times

STUDENTS DEMAND U. S. LAW ON BIAS

Compulsory F. E. P. C. Favored as Youth Forum Marks Fifth Year on Air

Agreement that some form of Federal legislation was needed to curb discrimination in this country was voiced yesterday by a panel of six senior high school students in a WNYR broadcast that celebrated THE NEW YORK TIMES Youth Forum's fifth anniversary on the air.

The forum, attended by several hundred high school students at Times Hall, 240 West Forty-fourth Street, discussed the topic, "Can Youth Solve the Problem of Discrimination?" Arthur Mayer, motion picture executive and former chief of the motion picture branch of American Military Government in Germany, was a guest.

Passage last week of the Fair Employment Practices Commission Bill by the House of Representatives was criticized by most of the panel members on the grounds that it had no teeth in it. But Norman Reiss, 16 years old, of Boys High School, Brooklyn, commented that it was "better to have a bill with no teeth than no FEPC at all."

Dorothy Weiss, 17, of Grover Cleveland High School, Queens, argued that Federal legislation with compulsory enforcement was necessary to offset the discriminatory laws passed by many Southern states. A girl in the audience drew applause when she declared that "legislation is better than anything adults have been able to do about discrimination so far."

Adults came in for the major blame in perpetuating discrimination, as several panel members pointed out that babies were born without prejudice. Solan Chao, 17, of Mineola High School, thought much discrimination developed from a feeling of insecurity, a fear that another race was superior and could take over one's job. Laura Rilander, 16, of Taft High School, the Bronx, largely blamed ignorance.

Much of the discussion revolved about the recent cycle of movies against prejudice. Not all agreed that these films had been a good influence. Claire Pratt, 16, of St. Joseph Hill Academy, Staten Island, thought "some of them do more harm than good, and police are often assigned to them to guard against demonstrations."

Leonard Riley, 15, of Junior High School 171, Manhattan, declared that Negroes were often injured by movies that stereotyped Negroes as servants. Mr. Mayer said some of these movies were harmful abroad, because "they show patterns of discrimination that are often unknown in Europe."

The program was closed with a group from Public School 54, the Bronx, rendering an anti-discrimination chorale, "And No One Asked," written by Morris Reich, principal of Public School 158, Brooklyn. Dorothy Gordon, moderator of the forum, announced that next week's junior high school group would discuss, "What Makes Youth Delinquent?" with Magistrate Anna B. Kross of Domestic Relations Court as guest.

After the program, Miss Gordon remarked that the first broadcast five years ago also had to do with discrimination. She said that youth today was more aware of the problem and she found that students discussed it with more knowledge and reason, contrasted with the emotional approach that was used five years ago.

She said that the forum had grown from a half-hour program once a month to a forty-five-minute broadcast once a week. One thousand students have participated on the panels in 160 broadcasts, chiefly before audiences at Times Hall ranging up to 500 in size. There has been a broadcast from the United Nations, as well as occasional ones from out-of-town schools.

The Youth Forum has been endorsed by the Board of Education and has received awards from the National Conference of Christians and Jews, the Women's National Radio Committee, the Billboard Program Competition Award, the Institute for Education by Radio and the Chicago School Broadcast Conference. It has been cited four times by the metropolitan committee of the annual George Foster Peabody Radio Awards.

N. C. Governor Strikes At Racial Bias

WINSTON-SALEM, N. C.—(INS)—Gov. Kerr Scott struck a strong blow against racial and religious prejudice in Winston-Salem Monday and declared that these prejudices were responsible for the defeat of Sen. Frank P. Graham in the recent Democratic primary.

The tar heel chief executive, speaking before the 43rd annual convention of the North Carolina State Federation of Labor, asserted that the "bitter campaign goaded by racial issues" set the state back 25 years. He added:

"I want you white people to remember that those of you who spread the most bitter campaign man or woman of North Carolina ever heard—the Negro did not come into this country of his own accord. The white man brought him here."

Negro Children Barred From Fair, Whites Denied Passes

CHARLOTTE, N. C.— (INS) — Free passes will not be given out to Charlotte's white school children when the Southeastern Fair opens Friday.

City school superintendent E. H. Garinger said the annual custom of providing free tickets to the children is being discontinued because "We can't make the schools a party to discrimination."

The announcement was made following complaints by Negro parents that their children are not admitted to the fairgrounds.

However, Dr. Garinger said white children will be let out of school at 1 p. m. Friday—"City School Day" at the fair, if they present written excuses from their parents.

Fair officials say it is impossible to provide facilities for Negro children.

Race Segregation And A Tragic Incident

DUKE Hospital at Durham (N. C.) last week declined to accept as a patient a mortally injured Negro college student, victim of a motor traffic accident, press reports state, because there was no available segregated bed space for him at that institution.

After having administered the dying man what they referred to as "supportive treatment," the surgeons at Duke ordered his removal to Lincoln Hospital, where death overtook the young man before he could be treated.

It will never be known whether or not death might have been averted in this case had the injured youth been immediately hospitalized at Duke and given sustained treatment from the instant of his arrival there, but it is a known fact that time is a most essential element in the treatment of the critically injured.

Instead, however, in conformity with the dictates of segregation, the suffering man was carried from one hospital to another while his life hung by a thread. In the interim, precious minutes were lost, minutes which might have meant the difference between life and death for the victim.

Although racial segregation imposes a staggering dollars-and-cents burden upon the South, instances of this kind will subject the region to even greater losses in the conscience of mankind.

Duke is a hospital of a famed name and tremendous endowmen, but evidently not big enough to disregard its segregation policy for the moment in response to the demands of humanity.

Rightly did President DARDEN of the University of Virginia say in addressing the Conference on Southern Governors a few days ago:

"In countless instances he (the Negro) has seen the segregation laws used as the shield of humiliation, exploitation, and oppression. It is not difficult to understand this (the Negro's) aversion to them."

Duke has furnished an instance in which segregation borders upon the tragic—and the tragically stupid.

Hospital Refuses Negro, He Dies

DURHAM, N.C. — (ANP) — Refused admission to a hospital because it had no more beds for Negroes, Matthew Avery, a student at A & T college of Greensboro, died here last week when he finally reached a hospital that did have room.

Injured in an automobile accident, Avery was taken to the Duke hospital after being sent there from Alamance General hospital in Burlington for treatment it could not provide.

A spokesman at Duke said he was not admitted because there was no bed space available in the hospital's Negro ward at the time.

Avery was injured when his auto crashed into a tractor-trailer. He suffered a skull fracture, a fractured cheek bone, and a broken jaw bone, leg, and arm.

Segregated Bed Space Unavailable

Accident Victim Sent Away As Life Hung In Balance

DURHAM, N. C. — Matthew Avery, 24-year-old A. and T. College student, died here Friday night within an hour after he was refused admittance to Duke Hospital, because there was no bed space for him.

The young man was injured when he crashed into a tractor-trailer truck near Mebane earlier in the night. He had been brought to Duke from Alamance General Hospital in Burlington where examination by surgeons there showed he needed "neurosurgery and definitive" treatment, and was in such condition as to cause "very much doubt" that he would live.

He was taken to the Alamance Hospital after sustaining a skull fracture and fracture of the cheekbone, jawbone, leg and arm. After being declined admittance to Duke he was taken to Lincoln Hospital in Durham where he died a few minutes after arrival.

Pauls Valley's Shame

"Methinks that too much protestation ceases to be a virtue."

Citizens of Pauls Valley, over the radio and in their daily newspapers, have been savagely attacking all of those who have helped to uncover the fact that Leonard Love, Negro tavern owner, has been driven out of the community, and according to Love, by sworn officers of the law. One of the officers is credited in The Pauls Valley-Democrat with calling Love a liar and stating that he is not guilty of the charges that Love brings against him.

But since Love fled the Garvin county metropolis, his tavern, estimated by Love, with its contents, to have been worth $6,500, has been burned down. No one on the outside of an insane asylum will dare to argue that Love's property has not been destroyed, and we do not assume it will be difficult for anyone to guess who the arsonists are. Everyone will agree that the tavern did not burn itself down. There is a human (or shall we say inhuman) element that enters into this equation.

But even if officers of the law have clean hands regarding this shameful breaking down of law and order in an Oklahoma community, there is still a foul record known to this writer that weighs heavily against Pauls Valley that goes back to twenty-six years ago, which smacks of the same attempt to substitute tyrannical might and power for justice and fair play. We will leave our readers to judge whether or not the recent difficulty of which Leonard Love complains, does not smack of the same type and character of lawlessness to which we refer.

Back in 1924 this writer and James A. Rouce, now a retired Hitchcock farmer, were managing a Negro headquarters in Oklahoma City for the State Republican Central Committee, in an effort to elect Calvin Coolidge president of the United States. It was during that period ,especially in Oklahoma's "Little Dixie" when Negroes were accorded few suffrage rights.

Assuming that Mr. Rouce, whose wife was reared around Tatums, would be able to interest a number of people in the candidacy of candidate Coolidge, we dispatch him to the Pauls Valley area, and he had been in the city for about two days planning a meeting, which information had been duly delayed to the Democrats of that city, and who at that time were determined that Negroes should not vote in the old Chickasaw Nation.

Imagine Mr. Rouce's surprise when while walking down the main street of Pauls Valley on the particular day in question, a man jumped out of a car and commanded him to get in. When Rouce refused, he was immediately assaulted with a pistol and the helpless, blood-covered victim of the ferocity of his assailant, who was later disclosed to be an officer of the law, was immediately thrown in jail, without medical attention. Is this not the identical case of Leonard Love? Does he not complain of having been treated in the same felonous way? This entire story, just as we are relating it now can be reviewed in the bound 1924 files of the Black Dispatch in the State Historical Society building.

Mr. Rouce was again shocked when later hailed in court and a bottle of whiskey was produced, the brutal arresting officer alleging that he had taken this liquor container from the person of Mr. Rouce. Again, does not this connivance and scheme join squarely with the facts as they relate to the charges currently hatched up against Leonard Love? This writer had to stop, temporarily, working for Calvin Coolidge in order to extricate James A. Rouce, one of the most responsible Negroes in Oklahoma, from a hellishly designed plot to entrap him in Pauls Valley in 1924, simply because he happened to be black and a Republican. There is suspicious and striking similarity between the dilemma into which James A. Rouce was forced, clubbed and imprisoned in 1924 and the assault upon Leonard Love and the later charges filed against him. In the Love case, it seems, however, to have been necessary to arrest him the second time before a whiskey charge could be laid at his door.

Organized society and government are constituted so that men may have peace, tranquility and happiness. Men have faith and confidence in government because they assume it offers protection to life, liberty and property, and men lose respect for government in the exact proportion as government and society fails to succor them as suggested above. Surely in examining what has gone on in the city of Pauls Valley in the past, and what is currently transpiring, there is warrant to believe that the cancer of hypocrisy and double dealing is entering the portals of government. Here indeed is one of the challenges democracy must meet and reckon with. The issue rests in whether or not there is integrity and honor in Pauls Valley government..

This writer is entirely familiar with tactics used by anti-Negro law enforcement officers when it is decided to make away with a black man, momentarily in their path. We will go to our death bed with a jail record simply because a deputy sheriff twenty-five years ago callously decided this was the easiest method by which to remove me from a polling place on election day. We stayed in jail two hours, despite the fact we have never been tried on the phantom, baseless charge brought against this writer by the Medes and the Persians. The gold in government has been removed when community sanction is given to sworn officers of the law who act in such manner.

Leonard Love has been beaten unmercifully by officers of the law in the town where he was born. He has been thrown in jail, and later told to get out of the community on pain of death. Later his business establishment goes up in flames. This is an ugly picture which the Pauls Valley community presents to America. Most people in discussing matters of this kind stress the question of a fair trial, but the Black Dispatch wants to reach back to something which is far more fundamental, and that is the question of integrity in indictment. No man can have a fair trial who has been first falsely accused. We think that is where the present case of Leonard Love sticks out as does a sore thumb.

JIM CROW WINS IN OREGON

PORTLAND, ORE. (NR correspondent)

For the first time in American history, the issue of civil rights was decided by popular vote on November 7. The electorate of Portland, Ore., narrowly rejected an ordinance forbidding discrimination in public places because of a person's color—76,444 votes to 61,058.

The civil-rights bill fared far better in wealthy, upper-class neighborhoods than in districts inhabited largely by working men and women. Analysis of the vote by precincts shows a slender favorable margin in heights areas where the average assessed valuation of homes is approximately $12,000. A number of working-class districts defeated the ordinance by margins exceeding 2 to 1. The traditionally Republican *Oregonian*, whose influence is infinitely greater among conservatives than among working people, led the campaign for civil rights. The restaurant and tavern owners and realtors opposing the ordinance maintained that property values would diminish because of contiguity to Negroes. This danger did not appear too imminent to people with impressive estates and mansions.

Because Portland is a conservative city which returned lop-sided Republican majorities last month, the civil-rights result is generally considered a favorable sign. The narrow rejection of the ordinance contrasted notably with the nearly 3-to-1 beating inflicted on a statewide FEPC bill in California in 1946. And the question of social equality is generally more loaded with political dynamite than that of parity in jobs.

It is probable that the sponsors of civil rights will try again. This measure reached the ballot after its unanimous passage by the city council. Beer parlors, hotels and restaurants then invoked the referendum because the bill threatened their privilege of ousting Negro patrons. Next time, the friends of civil rights probably will take the initiative in placing the measure before the electorate.

D.C. Bias Hits Philadelphian

Delegation Walks Out of Cafe in Protest

PHILADELPHIA

The refusal of service to the Rev. Arthur D. Williams of Philadelphia in the private dining room of O'Donnell's Restaurant, famous Washington sea food house, resulted in the "walk-out" of an entire delegation last week.

The Rev. Mr. Williams, recently resigned pastor of Faith Presbyterian Church, now associate director of the Skidmore Vocational School, was in company with other members of the State Board of Directors of the Pennsylvania Association of Private Schools when the incident occurred.

Attending National Session

They were attending the meeting of the National Federation of Private Schools at the Hotel Statler, where the dinner was held after the walkout. The minister is chairman of the auditing com- tee of the association.

In protest against the action of the restaurant manager, James J. Mallon, association president, expressed the sentiment of the board when he said none of them would eat a crumb in the establishment unless all were served.

Negro: No Haircut

Apologizes For Insult To Bishop

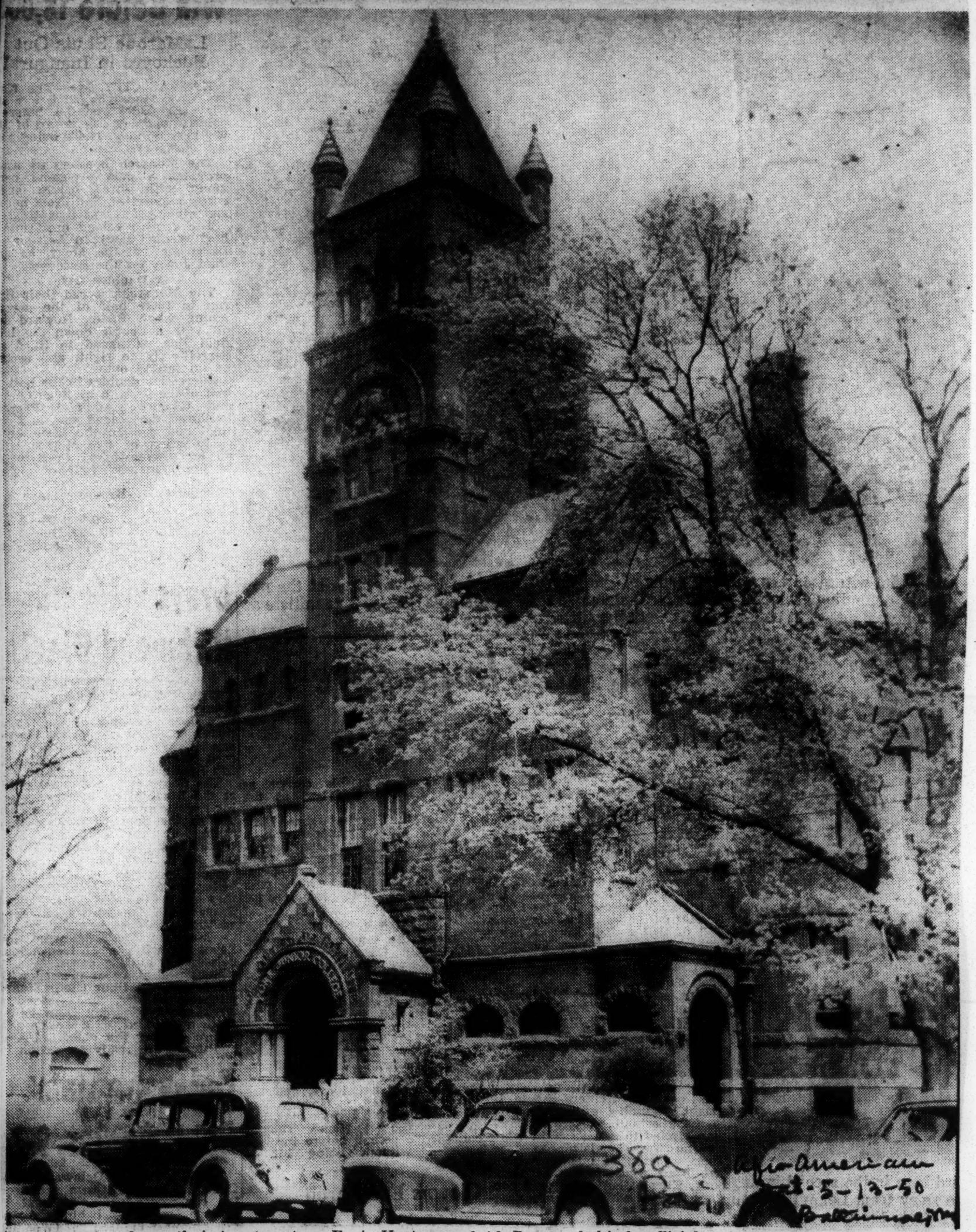
SCRANTON, Pa. — A barber who refused two weeks ago to cut the hair of a Methodist Negro Bishop apologized last Wednesday to the Bishop, other clergymen and the Scranton Barber's Union for his bigotry.

"I'm sorry it happened and I want to apologize publicly," said August Talerico, the barber.

Bishop Willis J. King, of Liberia, Africa, is the man who visited Talerico's shop for a haircut during a visit to Scranton Methodist churches. The barber refused to cut his hair.

Bishop King, now in Binghamton, N. Y., said he accepted the barber's apology and trusted he would never commit such an offense again. "I now regard the incident as closed," Bishop King said.

York Jr. College Adheres to Democratic Principles



Rather than leave their two tan stars, Ernie Hartzog and Al Brown, behind, officials of this institution canceled a scheduled game with the Baltimore Junior College, Thursday. A Baltimore Park Board ruling forbids interracial sports in the city parks. Founded in 1873 as the York, Pa., Collegiate Institute, the school has been a full-time junior college since 1948.

Jim Crow In Pennsylvania Movie Arrests 4 Students

LINCOLN UNIVERSITY, Pa. — Jim Crowism received another defeat in the nearby town of Oxford Friday afternoon as four Lincoln University students were acquitted on charges of breaching the peace in the town's Police Court.

The students were brought before the court when they sat in the section of the Oxford Theatre reserved for white patrons, and refused to move until Joseph Crowl, theatre manager and owner, had warrants served upon them.

A fifth student, Maurice Williamson, was fined ten dollars on a disorderly conduct charge which resulted when he took a picture of the incident in the Oxford Theatre. Attorney Theodore Spaulding, of Philadelphia, member of the National Legal Board of the NAACP represented the defendants.

DISMISSED CHARGE

Burgess Guy T. Holcombe dismissed the disturbance of the peace charge when the prosecution failed to submit ample evidence to support the accusation. Although Crowl stated that he heard a disturbance in the theatre proper while standing in the lobby, his testimony fell through when Officer E. L. Johnson, witness for the prosecution, admitted under cross examination that at the time he made the arrest the four students sat quietly in the theatre and were not talking.

Justice of the Peace John Clemmens, who issued the warrants for the arrest of the Negro students refused to take similar action in behalf of the students two weeks previously.

TABBED WITH FINE

Williamson was tabbed with the fine of ten dollars after a series of exchanges between the prosecuting attorney, Truman Wade of West Chester, Pa., and Spaulding. Wade asked that the maximum penalty of $200 be placed on the student, while Spaulding argued that Williamson had only disturbed the peace, which did not necessarily mean disorderly conduct. Then Burgess decided that the student was guilty of disorderly conduct, but that 10 dollars was ample fine.

Students Protest Theatre Jim Crow in Pa., Fined $10

OXFORD, Pa. — Maurice C Williamson, 19, Lincoln University student from NYC, was fined $10 last Friday after a dispute with a theatre usher over the refusal of himself and four other students to accept jim-crow seats.

Williamson was found guilty of disorderly conduct by Guy P. Holcombe, the town's Burgess, because he took a flashlight photograph of the incident. The other students were dismissed

Park Owners Lose Appeal, Must Pay Fines for Bias

PHILADELPHIA — The Pennsylvania Superior Court upheld here last Thursday the convictions of two Lancaster county men charged with violating the State anti-discrimination law.

The defendants, Joseph Figari and his son, James, were found guilty by a Lancaster county court jury of denying use of the Rocky Spring Park swimming pool to two colored men during a CIO-sponsored picnic there on Labor Day, 1948.

$100 Fines Appealed

The Figaris, named as operators of the park, were each fined $100. Their attorneys then asked the higher court to set aside the convictions on two major grounds.

One of these was that the refusal to admit all races to a swimming pool was not a violation of the equal rights law.

Defense attorneys emphasized that, although 40 other places were named in the law, swimming pools were not specifically mentioned in the act.

Judge Heber Dithrich, who wrote the Superior Court's opinion, ruled that swimming pools were included within the scope of the law. He said:

"When the legislature said that resort or amusement shall be deemed to include amusement and recreation parks', it is intended to include all means of 'amusement and recreation' within the parks, including swimming pools. whether they be termed facilities or whatnot."

CIO Juror Approved

Defense attorneys also asked that the convictions be set aside because the trial judge had not allowed it to ascertain whether or not any of the jurors were members of the CIO, to which one of the colored men belonged.

In reply to that, Judge Dithrich said:

"The mere fact that one of the prosecuting witnesses was a member of the CIO would not render a juror incompetent because he happened to be a member of the same labor organization.

"Any more than he would have been rendered incompetent because he and one of the parties happened to be members of the same religious denomination or fraternal organization where it was not in any way involved in the prosecution."

Ordered Held

The jurist ordered the Figarises to appear in Lancaster County Court "when called, and that they be committed by that court until they have complied with their sentences or any part of them that had not been performed at the time the appeals were made."

The charge against the Figaris were brought by Edward A. Hudson, of Marietta, the CIO member, and Marshall Richardson Jr., of Lancaster.

Cafes Refuse Service As Cops Look

OXFORD, Pa.—This town was again the scene of tension last Wednesday evening when the Lincoln University Student Chapter of the NAACP visited the Oxford Hotel Coffee Shop and the American Restaurant and were once more denied accommodations.

A group of 29 Lincoln University students and faculty members entered the two restaurants, but at both places were refused service.

At the Oxford Hotel Coffee Shop, the waitresses left their jobs, while the American Restaurant closed its doors for the evening.

Students Freed

The incident came as a result of a police court arraignment of four students arrested on charges of breaking the peace when they sat in the white section of a local theatre.

The students were acquitted and the Burgess announced that the local police could not enforce segregation.

The students and faculty members entered the Oxford Hotel Coffee Shop at about 8:30 p. m. on Jan. 16, and sat at several tables.

Another group of students and faculty members visited the American Restaurant at 6 p. m.

Crowd Gathers

Meanwhile on the outside, across the street from the Coffee Shop, a group of white men were congregating. From time to time they walked through the two restaurants, glaring at the seated students and professors.

The State Troopers appeared as the crowd outside began to increase and become restless. The situation reached a climax as the students and professors left the closing restaurants. The State Patrol cars pulled between the group and the milling crowd.

Chis Vigis, owner of the Coffee Shop, faces charges in a Civil Rights suit on Feb. 20

Crack Swimming Pool Bias in Pa.

PITTSBURGH — Negroes may swim in pools of amusement parks owned by private enterprise, as far as the Pennsylvania Superior Court is concerned.

In a decision rendered by the State Superior Court in action on an appeal from the Lancaster County Criminal Court, jim crow in amusement parks is outlawed. The opinion was handed down by Judge Heber T. Dithrich.

The case revolved around a civil rights suit brought against the Rocky Springs Amusement Park, which was operated by Figari and Sons.

— "FORTIETH IN '50"

Close Movie House In Order to Prevent Negro Attendance

OXFORD, Pa. — (ANP) — The Oxford theatre, scene of recent action to break down jim-crow of students of nearby Lincoln university is closed temporarily for repairs, it has been reported.

The closing of the theatre called a vow made by Joseph Cowl, its owner and manager, that he would never permit colored patrons to sit where ever they pleased in the movies house.

The barriers which separate the races are the targets of legal action which has been started by the student body with the aid of the Philadelphia NAACP.

The latest counter-action started when Ralph Anderson, Gayard S. Wilmore and his brother, Jacques, along with Benjamin Holman, all Lincoln students, went into the theatre and sat in the "white" section. The men remained in this section in spite of orders to move.

Later warrants were issued against Cowl. Subsequent incidents reached proportions of a threatened riot.

LINCOLN STUDENTS FILE SUIT OVER JIM CROW

Lincoln University, Pa. Warrants have been issued here for two businessmen in the near-by town of Oxford because of their discrimination against four Lincoln Univ.; students, according to James Baker, member of the local NAACP legal staff.

The four students, Ralph Anderson, Gayraus S. Wilmore, Jacques E. Wilmore, and Ben F. Holman, sat in the coffee shop of the Oxford hotel for a half hour waiting to be served. A waitress was heard telling a white patron that there was a policy against serving Negroes.

Later, the students sat in the section of the local theatre reserved for whites, They refused to move when asked to do so by the usher and the manager. The police have previously put Negroes out of the theatre at the request of the manager, Joseph Crowl, none came in this time. Baker stated that the case against Crowl and Chris Virgil, owner of the Oxford Hotel, will be carried to the Federal Courts if necessary.

Defender
Chicago, Ill.
Sat. 1-14-50

Pennsylvania Court Ends Discrimination At Swimming Pools

38a Pa-

Lancaster, Pa., (ATLAS. — The Superior Court of Pennsylvania took a brave slap at Jim Crow, and has ruled that Negroes cannot be legally refused admission to public swimming pools in the state of Pennsylvania.

The decision, which stemmed from a suit against operators of Rocky Spring Park, an amusement park in Lancaster, brushed aside the contention that swimming pools were not included in the Equal Rights Act since facilities enumerated in the act, did not specifically include pools.

James Figari and son had been convicted for refusing Marshall Richardson and Edward Hudson the use of the bathhouse and swimming pool at the park on Labor Day, 1948, who brought suit against them on grounds that there democratic rights had been violated. Counsel for the defendants, Joseph Figari and his son, had appealed from the conviction against them, contending that all places not specifically mentioned in the Equal Rights Act must necessarily be excluded.

2-24-50

Judge Heber Dithrich, who wrote the Superior Court opinion, said: "While the Legislature said that 'a place of public accommodation, resort or amusement shall be deemed to include amusement and recreation parks,' it is intended to include all means of 'amusement and recreation' within the parks, including swimming pools, whether they be termed facilities or what not."

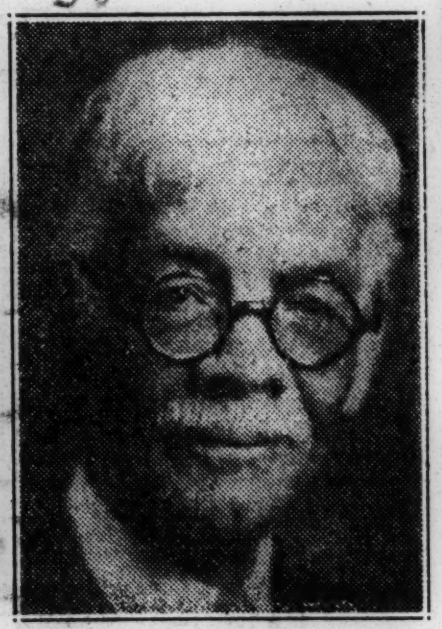
The NAACP branch in Lancaster, and public spirited citizens both Negro and white were instrumental in bringing the case before the Superior Court. The conviction of the Park operaters is one of the few obtained under the Pennsylvania Equal Rights Act of 1939, and observers believe it will have far-reaching effect on the use of public swimming pools by Negroes in the East and West.

PIONEERS FOR EQUAL RIGHTS IN YESTER YEAR

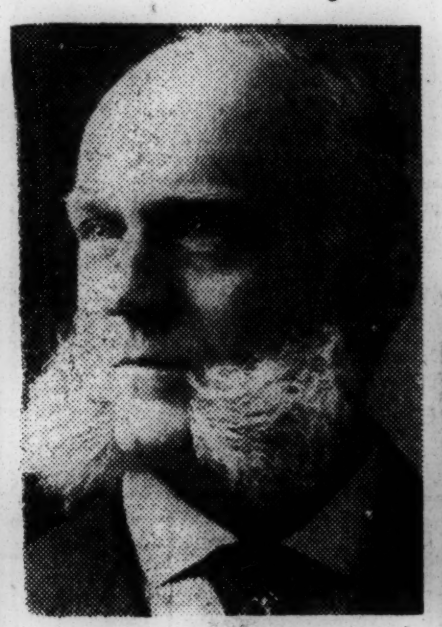
Guardian Sat. 6-24-50 Boston, Mass.

38a

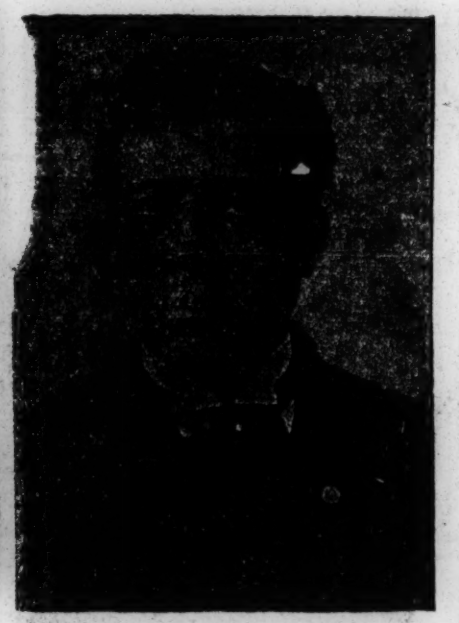
REV. M. A. N. SHAW
Militant pastor of Twelfth Baptist Church.



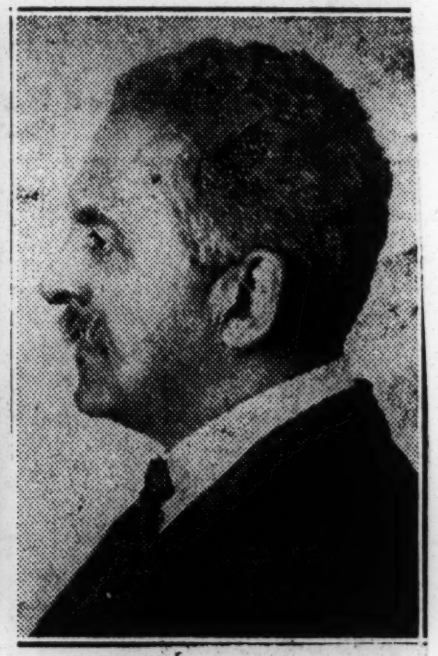
BUTLER R. WILSON Esq.
First NAACP Secretary of Boston Branch (1911).



WM. D. BRIGHAM
Retired businessman who joined hands with his colored brothers in the Equal Rights fight.



ATTY. JAMES G. WOLFF
Joined white G.A.R. post on principle and rose to be Mass. State Commander.



W. MONROE TROTTER
Founded Guardian in 1901 to fight for democracy for all.

Advertising Insults —For Colored Only

NORFOLK — You can tell everybody in Princess Anne county, with signs ten feet high and with newspaper and radio advertising, that you do not permit Negroes in your establishment—but you can no longer humiliate other racial groups in that fashion.

That is what the new anti-advertising discrimination ordinance passed by the Princess Anne County Board of Supervisors Monday afternoon boils down to.

The ordinance would penalize "any person, association, firm or corporation which tries to include in any advertisement a portion which would intend to discriminate against persons not **otherwise prohibited by law** from the use of public places."

The board, calling such advertising "public nuisance" voted on first reading for a $300 fine, 30-day jail sentence, or both to those who spread abroad these commercial insults—with, of course, the aforementioned exception. The ordinance pertains to hotels, restaurants, and other such places which advertise extensively.

* * *

IT WAS PRESENTED by Supervisor Walter C. Maher and is expected to be adopted at the next board meeting

It is reported that the direct objective of the ordinance is hotels which have been advertising accommodations exclusively for Christian clientele.

"The ordinance would not affect existing racial measures," the officials announced reassuringly.

MINORITIES URGED TO BE FREE OF BIAS

State Official Cites Cases of Negroes' Anti-Semitism and Southern Jews' Prejudices

Members of minority groups were warned yesterday that their campaigns for social and economic equality might be defeated if they did not avoid over-sensitivity in their relations with majority groups and bigotry against other minorities.

This advice came from Henry Root Stern, chairman of the New York State Board of Social Welfare, who spoke to 100 members of the National Urban League at their annual meeting and regional conference at the McAlpin Hotel.

"It is a matter of common knowledge," Mr. Stern said, "that right here in this city of New York anti-Semitism in Harlem is still rampant. Nor has the Southern Jew generally held himself aloof from the anti-Negro prejudices of his white gentile neighbors."

Mr. Stern also warned members of minorities to avoid a "chip on the shoulder" attitude.

"It is only natural that we should be sensitive, but beware of over-sensitivity," he said. "We must be sure when we encounter a rejection that it is not really due to an honest—however unpalatable—appraisal of our personality, before we start waving the bloody flag of discrimination."

Mr. Stern cautioned Negroes to beware of the leadership of such Communist spokesmen as Paul Robeson and Benjamin J. Davis Jr.

Says Negroes Must Choose

"I say that all Negroes must choose between the cause of the Communist and that of the free American. They cannot have both," he advised.

"Just imagine, if you can, 15,000,000 American Negroes transported by some magic to Russia. What would become of them? I can conceive of no speedier method of selling themselves back into both spiritual and physical slavery."

Mr. Stern quoted from a speech in which Mr. Davis charged that leaders of the Urban League and the National Association for the Advancement of Colored People were "working against the interests of their own people."

"Do any of you think that this sort of frenetic humbug, when spouted by one of his group, advances the cause of the truly American Negro?" the speaker asked.

Charging that certain "fuzzy-minded gentry" are still suffering from a delusion of superiority over heir neighbors, the speaker warned that supporters of this psychology are acting against their own interests.

"Every time they insult or unfairly exclude from reasonable cultural or economic opportunity one who is not a 'member of the club,'" Mr. Stern said, "they make an enemy whose power to cripple them will eventually be asserted at the polls. You cannot wreak social injustice on a man and then expect him to vote in such manner as will tend simultaneously to perpetuate both your power and his own inferior status."

QUEENS—Racial Problems

Queens College's course on American minority problems, which was introduced last September, will again be offered during the spring semester. The course covers such problems as intermarriage, Negro-white relations in the South, immigration, assimilation and anti-discrimination legislation.

Center of Attraction

Surrounded — Mrs. Franklin D. Roosevelt, U. S. representative to the General Assembly and chairman of the UN Commission on Human Rights, addressed the annual women's assembly day observance at North Carolina College in Durham, last week. Miss Carolyn Smith, left, New Bern, N. C., senior and granddaughter of the late Dr. James Shepard, founder of the college, presided during the afternoon program. Miss Mary Bettis, Washington, D. C., presented Mrs. Roosevelt a check for $25 for the Willfrie Boys School.—Stanback Photo.

Mrs. FDR Tells Co-Eds

'H-Bomb, Dis(
Endanger Wc

DURHAM, N. C.—The hydrogen bomb the perils to world peace listed here last week address in B. N. Duke Auditorium at North C

Mrs. Roosevelt, United States representative to the General Assembly of the United Nations and chairman of the UN's Commission on Human Rights, discussed the work of the commission in her main s

In a question and answer period afterwards, however, she scored Russia and her satellites for declining to grant freedom to their people, and condemned the "sad policy of the present government of South Africa" towards that country's colored majorities.

ASSEMBLY SPEAKER

The widow of the late wartime president, spoke before an overflow crowd during the annual Women's Assembly Day observance, which is traditionally the highlight of the year's program for North Carolina College's undergraduate women.

Pointing out that the Commission on Human Rights is charged with drafting a world-wide document to insure the freedom and rights of all peoples, Mrs. Roosevelt said the absence of such a universal document in the past contributed to World War II.

"In the United Nations, a great many felt that one of the causes of World War II, was the abrogation of human rights," she said. Mrs. Roosevelt went on to add that the "conscience of the world rebelled" at such action.

Mrs. Roosevelt Gets 'Journal of Nursing' Award

Is Cited for Humanitarian Service at Dinner for 50th Year of Magazine

Mrs. Franklin D. Roosevelt received the first award of the "American Journal of Nursing" for Distinction in Humanitation Service, at a dinner last night at the Waldorf-Astoria, held in honor of the magazine's fiftieth anniversary. More than 700 persons, representing publishing and social service as well as the nursing profession, were present.

The award was presented to Mrs. Roosevelt by Assistant Surgeon General Lucile Petry, Chief Nurse Officer, United States Public Health Service, who said that the recipient had "led her life in such a manner that the inner woman and the public woman has a single identification of high purpose."

The citation set forth formaly that Mrs. Roosevelt had received the award because of her help to people in need, her concern for the welfare of the young, and her "spirited championship of democratic concepts and her unwavering attitude that fears and the sickness of society must be wiped away, allowing men and women everywheer to enjoy the fruits of freedom, health and individual babor.

Mrs. Roosevelt stressed the need of extended nursing on a world-wide front in an address on "The Nurses and the World of Tomorrow."

Nurses from thirty-three countries were represented by Miss Gerda Hojer, president of the International Council of Nurses, who arrived from her home in Stockholm a few days ago to attend the dinner.

The Mary M. Roberts Fellowship Award was presented to Miss Madeline Olga Weiss, R. N., of Pittsburgh, enabling her to study jourtnalismism for one year. Miss Roberts, editor emeritus of the journal, said the fellowship had been established to help trained writers tell the public about nursing and its place in the public health picture.

Otis L. Wiese, editor and publisher of "McCall's Magazine," was toastmaster. Other speakers were Miss Kathleen Leahy, president of the American Journal of Nursing Company, and Miss Nell V. Beeby, editor.

Miss Roberts edited the journal from 1921 to 1949. Founded fifty years ago in Rochester, N. Y., with the late Miss Sophia F. Palmer as editor-in-chief, it has crusaded for better nurses' training schools, better nursing service in hospitals, and has sought to elevate the profession as a career for educated women.

Mrs. Roosevelt's Day: She's 66, New Radio Program, U. N. Work

Guests on Recorded Broadcast Are Sarnoff, Bunche and Fred Allen, Who Jokes About Birthday

Mrs. Franklin D. Roosevelt, sixty-six years old yesterday, began her new radio program over station WNBC of the National Broadcasting Company at 12:30 p. m. with David Sarnoff, chairman of the board of the Radio Corporation of America; Dr. Ralph Bunche, director of the United Nations Trusteeship division and 1950 Nobel Peace Prize winner, and Fred Allen, radio comedian, as guests.

The program is the first in a series of forty-five-minute women's programs broadcast Monday through Friday, from 12:30 to 1:15 p. m. Much of the proceedings will be recorded, as they were yesterday, in view of Mrs. Roosevelt's duties which require her presence at the United Nations. All of this she explained in a preamble to the program.

The birthday theme was fodder for Fred Allen's bantering. He told Mrs. Roosevelt it was a happy coincidence that on her sixty-sixth birthday she appeared on a program whose wave length was 660, rather than 880, which would have had implications difficult even for her to live up to.

Mr. Sarnoff, interviewed first on the program, urged extension of the Voice of America to counteract Communist propaganda around the world, and advocated also the establishment of a Voice of the United Nations, owned and operated by the world organization.

Six commercials mentioned on the program were delivered by Elliott Roosevelt, second son of Mrs. Roosevelt and the late President. He also participated occasionelly in the conversation between his mother and her guests, sometimes addressing her "Mrs. R.," a name usually reserved for her personal friends. He also twitted her on her birthday, calling her "an old lady of sixty-six."

Mrs. Roosevelt was at Lake Success all day, engaging in a debate on the future of the United Nations Children's Fund, and in the evening was busy at her apartment in the Park Sheraton Hotel, Seventh Avenue and Fifty-sixth Street, with other recordings for future broadcasts. She said there would be no birthday observances until December, when the United Nations Assembly will have ended. However, at Lake Success, many delegates and visitors offered congratulations.

Dr. Bunche said on the program that the United Nations had met its greatest test in the Korean hostilities, and that the best hope for peace lay in convincing would-be aggressors of the invincibility of world peace forces.

Business as Usual on Her 66th Birthday

Herald Tribune—Acme

Mrs. Franklin D. Roosevelt raising her country's plaque to be heard at yesterday's meeting of the Humanitarian, Social and Cultural Committee of the United Nations General Assembly

Co-op Group to Honor Mrs. Roosevelt Oct. 1

NEW YORK — For her many contributions to the co-operative movement, Mrs. Eleanor Roosevelt has been selected to receive the first annual Co-operation Award by Co-operative Enterprises, Inc., according to Mrs. Lillian H. Waring, president. The award will be presented at the Founders Day celebration Oct. 1, at the Hunter College Auditorium.

Mrs. Roosevelt, chairman of the United Nations Commission on Human Rights, has long been a member of the Consumers Co-operative Society, the largest Co-op in New York State.

Honors Founder

The Founders Day celebration, according to Mrs. Waring, is being held to honor the Rev. James H. Robinson, pastor of the Church of The Master. The Rev. Mr. Robinson organized Co-operative Enterprises, Inc., in January, 1946.

Several prominent speakers have been invited to appear on the program. The sponsoring co-op, according to its president, has 300 members living principally in the Harlem area. It operates a co-operaive grocery at 517 Manhattan Ave.

The South Would Return If Truman Would Leave

The Richmond News Leader

EDITOR, THE NEWS LEADER — Mrs. Roosevelt lately appeared at Chapel Hill, N. C., to take part in a public forum. She went back home to write in her column, My Day, as follows:

"There is a charm about the South. The smell of magnolias, the lavender-and-old-lace feeling is still there. People are less hurried; they have more opportunities perhaps for the grace of living. But underneath it all, I am not sure that there are not signs of unhappiness and poverty that will have to disappear gradually on that part of the nation if it is going to prosper and keep pace with the rest of it. . . . With all this background, still—and listen now—still I never go into that part of the country and come away without a certain sense of sadness. One can enjoy one's self superficially but one must shut one's eyes!"

So speaks Mrs. Eleanor Roosevelt, scion of the Bullock family of Georgia.

President Roosevelt started a movement that has resulted in putting a floor under farm labor in Virginia and the South. It is my considered opinion that this has completed the chasm that was started by Thaddeus Stevens and which now is deep and wide as the Grand Canyon. (The colored people today are no more like the colored people of my grandfather's days than I to Hercules.) If Mrs. Roosevelt wants to come again to this part of the country to be sad, let her see what the floor under labor has done to make the farmers migrate or go to the poor house.

SENATOR HILL and Senator Sparkman of Alabama want to help President Truman bring the Solid South back into the Democratic fold. That should be easy.

Let these senators and their colleagues have a heart-to-heart talk with Mr. Truman and say as follows: "Mr. President, you believe in socialism; we do not. You want to do away with the principles that have kept the South solid since the days of Thaddeus Stevens. We will not stand for that. You have made a pet of John L. Lewis and you would not know a national emergency if you met it in the road, led by Lewis and his miners of coal.

Mr. President, please sign this paper: "I do not choose to run for President in 1952." If you sign the Solid South will come running back into the fold.

GEORGE HENRY RAY.

Amherst.

Mrs. Roosevelt Sounds Warning

NEW YORK, March 15—Mrs. Eleanor Roosevelt sounds a warning against the dangers of strong government, in an article titled, "What Liberty Means To Me" in the April issue of Liberty Magazine, published today. Referring to what she describes as the modern concept of democratic freedom, she writes:

"We are careful to insure that the law shall provide for the protection of the individual against any arbitrary use of the law, even by government itself.

"The only thing that is essential in our modern concept of liberty is that it always be the majority of the people who make the laws and who are willing to abide by them. The moment that a government becomes so strong that this power is no longer in the hands of the people, or that they have become afraid to exercise it, then the people have lost their liberty and are slaves as surely as they ever were in the days gone by.

"It is for this reason that I feel real liberty can only exist in a democracy where the people accept their responsibility, consider their citizenship as a trust, and see to it that they never let the control of their government slip into the hands of any individual or any group, but keep it always in the hands of the people themselves and function under the will of the majority."

MRS. F. D. R. UNDER GUARD AFTER THREAT TO LIFE

NEW YORK, Dec. 3 (U.P.)—Mrs. Eleanor Roosevelt was assigned a guard of seven New York policemen tonight after police received an anonymous telephone call that she might be shot if she spoke as scheduled at the Waldorf-Astoria Hotel.

Mrs. Roosevelt appeared anyway at the Waldorf-Astoria to help give out awards to directors of the Beth-El Hospital, unaware that the threat had been made on her life.

Police said a man called a station house at 8 p.m. and said he had overheard another man say he was "going to shoot Mrs. Roosevelt if she attempts to speak at the Waldorf." He hung up without identifying himself.

Police immediately rushed four extra detectives, a sergeant and two patrolmen to the hotel's grand ballroom to stand guard. They said the telephone call may have been the work of a crank but that they did not want to take any chances.

Police escorted her to her hotel after the meeting.

Phone Call Alerts Guard for Mrs. F.R.

NEW YORK, Dec. 3 (AP).—An unidentified man telephoned police that "a man with a gun is going to shoot Mrs. (Franklin D.) Roosevelt if she appears at the Waldorf Astoria Sunday night."

Police ordered a special guard for Mrs. Roosevelt, who was one of the speakers at the annual dinner for Beth-El Hospital at the hotel.

Police were posted at each end of the speakers' table, and other detectives and patrolmen took up positions throughout the hotel ballroom and in the balcony overlooking it.

About 1,200 guests were present for the affair. Mrs. Roosevelt was not shot.

Mrs. Roosevelt Rebukes Peace Demonstrators Led by Robeson's Son

LAKE SUCCESS, N.Y. (ANP) —Paul Robeson Jr., son of the noted baritone artist of concert fame, led a group of 200 young people into the main lobby of UN headquarters here Thursday and staged a squatting "peace demonstration."

The demonstrators demanded to see Secretary-General Trygve Lie, American Delegate Warren R. Austin, or some other top UN official, but were not given the opportunity.

When Mrs. Eleanor Roosevelt, United States UN delegate, walked through the lobby, she was greeted by cheers and applause. She stopped and told some of the youngsters: "You people are silly. You should go home and be quiet." Her advice was greeted by boos.

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JIM CROW GUIDE to U.S.A.

Loafing — For Rich Whites Only

All Others Can Be Charged as Vagrants

Non-Whites Hit Especially Hard, Picked Up on Slightest Pretext

In the USA it is against the law to be unemployed if you are both able-bodied and without means of support. Of course, if you are a person of means you are specifically exempted from such laws and do not have to work.

The laws against being unemployed and broke do not take into account the fact that there are usually from 3 to 5 million fewer jobs in the USA than workers, and that this shortage of jobs increases periodically to as much as 15 million.

Vagrancy Laws Know Race

These vagrancy laws—as they are called—exist in all 48 States. While they do not say anything about race, you will find they are enforced far more strictly against colored persons, Gypsies, and other minorities than they are against whites. This is especially true in the South, but you will also find it true in other sections.

And so it is not only more difficult to find and keep a job in the USA if you are not a Caucasian, but you are also more likely to be fined or jailed for being unemployed and broke.

Colored persons have composed a little folk song about this process, which goes like this:

Standin' on the corner,
Waitin' for my brown;
First thing I knowed
I was jailhouse bound.

I asked Mr. Police,
"Won't you turn me loose?"
I said, "I got no money,
But a good excuse."
And then I heard
Judge Pickett say,
"Forty-five dollars.
Or take him away!"

However, not even part-time work is regarded as a good excuse—you can be convicted of vagrancy unless you work more than half the time.

Some Pursuits Not Recognized

Furthermore, the crime of vagrancy is regarded as a continuing one, which means you can be sent to jail over and over again on the same charge, just as long as you remain broke and unemployed.

At the same time, the vagrancy laws list a variety of occupations and avocations as being as bad or worse than unemployment.

Of course, if you are a person of wealth, you may engage in any or all of these pursuits, and be as idle as you wish, without any fear of prosecution for vagrancy.

In most States the penalty for being unemployed and broke is a fine ranging from $50 to $100, and/or a 30-day sentence, usually on a public work gang. In Arkansas the law specifies that vagrancy fines shall be worked out at the rate of a dollar a day.

Substitutes for Black Codes

Throughout the South, vagrancy laws have taken the place of the Black Codes enacted by the white planters immediately after the Civil War to keep colored persons in a state of semi-slavery.

These Black Codes imposed an annual headtax which the white planters frequently paid for delinquent colored persons who were then required to work it out.

Special laws rigidly bound colored apprentices to their white "employers" and still other laws made even the slightest deviation from a labor contract—on the part of a colored laborer, sharecropper, or tenant farmer—prima facie evidence of fraud.

Federal anti-peonage laws enacted in 1875 to free the Indians of New Mexico from peonage, had the added effect of nullifying the Black Codes.

20 Classes of Vagrants

It was then that many Southern States resorted to vagrancy laws, which they copied almost verbatim from New England States, and which have stood the test of Constitutionality.

The Florida law is typically comprehensive, listing the following varieties of vagrants (quote):

1. Rogues and vagabonds.
2. Idle or dissolute persons who go about begging.
3. Common gamblers.
4. Persons who use juggling, or unlawful games or plays.
5. Common pipers and fiiddlers.
6. Common drunkards.
7. Common night-walkers.
8. Thieves.
9. Pilferers.
10. Traders in stolen property.
11. Lewd, wanton and lascivious persons.
12. Keepers of gambling places.
13. Common railers and brawlers.
14. Persons who neglect their calling or employment, or are without reasonably continuous employment or regular income and who have not sufficient property to sustain them and misspend what they earn without providing for themselves or the support of their families.
15. Persons wandering or strolling around from place to place without any lawful purpose or object.
16. Habitual loafers.
17. Idle and disorderly persons.
18. Persons neglecting all lawful business and habitually spending their time by frequenting houses of ill fame, gaming houses or tippling shops.
19. Persons able to work but habitually living upon the earnings of their wives or minor children.
20. All able-bodied, male persons over the age of 18 years who are without means of support and remain in idleness.

If you fall into one or more of the above categories—and particularly if in addition you are non-white—you might be charged with vagrancy almost anywhere in the USA, as the laws are very similar.

Notable Variations

In a few States, however, there are variations worthy of note.

In Mississippi, for instance, all persons between the ages of 16 and 21 who are not in school, whose parents do not support them and who have no other means of support, are among those deemed vagrants.

In Maryland, the law says: "Every person, not insane, who wanders about in this State and lodges in market houses, market places, or in other public buildings, or in barns, outhouses, barracks, or in the open air, without having any lawful occupation in the city, town, or county in which he may so wander, and without having any visible means of support, shall be deemed a tramp."

If you fit this description, the minimum sentence is 1 month in jail; the maximum, 1 year.

Even Tenant Farmers Liable

In South Carolina, the following categories are added to the more common forms of vagrancy:

1. All suspicious persons going about the country, swapping and bartering horses (without producing a certificate of his or their good character signed by a magistrate of the county from which said person last came).
2. All persons who, occupying or being in possession of some piece of land, shall not cultivate such a quantity thereof as shall be deemed by the magistrate to be necessary for the maintenance of himself and his family.
3. All persons representing publicly for gain or reward, without being fully licensed. any play, comedy, tragedy, interlude or farce, or other entertainment of the stage, or any part thereof.
4. All sturdy beggars.

Can't Return Illegally

In Virginia, the vagrancy law is also aimed at:

1. All persons who shall unlawfully return into any county or corporation whence they have been legally removed.
2. All persons who shall come from any place without this Commonwealth to any place within it and shall be found loitering and residing therein, and shall follow no labor, trade, occupation, or business, and have no visible means of subsistence, and can give no reasonable account of themselves or their business in such place.

HOBO EXPRESS

In a number of places in the USA—most notably resort areas like Miami, Florida—the law enforcement agencies maintain what is popularly known as the "Hobo Express".

If you find yourself broke and unemployed in such a place, you are likely to be picked up by law officers and given a free ride to the city limits or county line, where you will be deposited and warned not to return.

The likelihood of your being taken for such a ride is much greater if you are a non-white rather than a white, since many law officers are inclined to look upon a dark complexion as prima facie evidence of vagrancy.

During depressions, some States such as California and Florida have closed their borders to the unemployed and broke, but such action is contrary to the U. S. Constitution and cannot long be sustained.

HOW TO ESCAPE SLAVERY

Shortly after the secession of the slaveholding Southern States to form the Confederacy, the U.S. Congress adopted a Constitutional Amendment as follows:

"No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere with any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State."

This amendment was never ratified, however, and after the Civil War had been fought, the 13th Amendment was adopted, providing:

"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to its jurisdiction."

Still Legal (?) in Japan

It is interesting to note, however, that the Associated Press in 1949 reported that in Japan (under U. S. jurisdiction) a single broker named Manjiro Ino had sold 2,500 Japanese children into slavery at $70 per head.

Inside the USA, it is still possible to "buy a 'n---r' " by "buying a debt." In the rural sections of the South, in order to acquire a colored peon, a white person simply pays off the peon's debt to his former master, and then presses the man into service to work out the debt for his new master.

Of course, peonage, or debt slavery, is forbidden by Federal law, but there are nevertheless hundreds of thousands of persons — mostly colored — currently being held in involuntary servitude in the USA.

Recent newcomers to American peonage are Puerto Rican immigrants who signed labor contracts to cover the cost of their transportation to this country. Some have been sent to work in the mines of the midwest.

How to Become a Peon

If you are colored and go to work in a Southern cotton plantation, turpentine camp or lumber mill, you will be in very grave danger of being enslaved as a peon.

Here's how it's usually done:

1. The proprietor will require you to purchase all the necessities of life from his commissary, where prices are about one-third higher than elsewhere.
2. This, coupled with the low wages you will theoretically be paid, will soon eliminate all prospect of your collecting any cash for your work, and will assure a more or less perpetual debt.
3. Should you attempt to leave and seek other employment with-

ETIQUETTE, A LA JIM CROW:

They Won't Take It Much Longer in Dixie

By STETSON and ELIZABETH KENNEDY

A sequel to the author's JIM CROW GUIDE TO THE USA previously published in serial form by the AFRO-AMERICAN papers, and soon to appear in book form. Here, for the first time, are brought together the vicious dictates of racist etiquette in theUSA—a stupid maze more infamous ha nanything ever imposed on "second class citizens" by Adolf Hitler.

FIFTH AND LAST OF SERIES

Secondclass citizens have various ways of looking at life in the USA.

Some seem willing to go on accepting things as they are, some seek to isolate themselves from their oppressors, others try to buy special privileges for themselves and still others are at work for democratic goals through collective a

Those who invite discrimination are referred to by their follows as "Uncle Toms" and "handkerchief-heads."

Explanation of Attitude

Sometimes it is difficult to distinguish between Uncle Tomism and the utter despair that arises out of prolonged and ruthless subjugation.

As one Southerner sees it, "I don't want to have no trouble with white folks. If I did get in trouble with them, I wouldn't do nothing. I couldn't. They'd kill me.

"White folks don't play with colored folks. You have got to do what thy want you to do or else your life ain't worth nothing."

Some Isolate Themselves

Those who seek to isolate themselves insofar as possible from the "master race" do so by various means. Some occupations — like farming, if you own your own farm—offer a dgree of isolation.

Cities require relatively less intimate contact with whites than do small towns and rural areas. Non-Southern sections offer an appreciable yet far from satisfactory lessening in racial pressure.

But those who have sought escape by getting out of the South have found that the ideology of white supremacy proceded them.

If past and present trends continue any mass migration would be foredoomed to encounter a proportionate intensification of discrimination in the new environment.

Wrong Conclusion Drawn

With white pressure on the one hand and colored isolationism on the other, a veritable "ultra-violet" world has arisen in which colored persons live out their lives in black ghettos virtually unseen by white eyes.

There is no denying that separatism has strengthend the hand of white supremacists by enabling them to argue that segregation is mutually desired by both races.

Ultimately, the separatist trend of thought leads to such forlorn projects as the "Back to Africa" movements.

Having Money Helps Some

A measure of emancipation may be had through the acquisition of economic independence from whites; but this is not easily done, and it has its limitations. Money can deflect some blows and softe nothers; but the color line, though bent, remains.

The path of blind rebellion can be as futile as blind submission. The individual who sets out to defy the system single-handedly — while often to be admired—is apt to come to a sad and speedy end.

There is no denying that the spirit of rebellion is strong, and growing stronger.

Won't Take It Much Longer

As one Southerner says, "If I have to put up with it much longer, I'll have to kill or be killed."

A like-minded man has said he feels like cutting down his oppressors "till black looks white." This is one way of putting the fact that what this country needs is color-blind democracy.

Education One Solution

Another point of view, reported by Dr. Charles S. Johnson, president of Fisk University, in his "Patterns of Negro Segregation" is expressed by a mechanic who said:

"The thing that kills me is I ain't got enough education. If I had a lot of education I would probably be a Communist or something so I could do something about it."

This study does not presume to suggest what course you should take; that is something which each individual must decide.

No Group Inviolate

But this much is certain: the oppression of any group anywhere has long since become the concern of all groups everywhere.

While each minority problem may have special characteristics requiring special treatment, all minority problms have so much in common that one cannot be divorced from the other, nor from the basic problems of peace and plenty which confront the whole of mankind.

---

out first paying all money owed, you will be arrested, charged with fraud and vagrancy, and sentenced to work out the debt on a prison camp work gang at the rate of approximately a dollar a day.

Not Only in Dixie Either

That peonage is not only a Southern phenomenon was shown by a 1948 Associated Press report that 212 colored persons, including 28 women, were hauled in moving vans from Savannah, Ga., to Bay City, Mich. The door to at least one of the trucks was kept locked during the 60-hour trip.

These persons had been enticed by handbills issued by the Georgia State Employment Service (formerly the U. S. Employment Service), promising earnings of from $6 to $12 a day picking cucumbers in Michigan.

The trucker, Clyde Thompson, had a contract with the Bayview Food Products Company, which the county welfare director said provided for payment of $35 for every man, woman, and child delivered.

Whether you were born into peonage or pressed into it, the truth can set you free.

Ways of Escape

The truth is that nobody has any right to force you to work to satisfy any debt or labor contract. Although you may be sued for damages, you cannot be forced to work.

If you are being held in slavery, here's how you can escape.

After first taking what steps you can to assure the safety of your family, go quietly to the nearest U. S. District Attorney and swear out warrants charging violation of the Federal anti-peonage laws against:

1. Any employer who has forced you to work out a debt or labor contract against your will.
2. Any employer who has threatened to have you arrested unless you work for him.
3. Anyone else who has caused you to be arrested for refusing to work.
4. Any law officer or judge who had a hand in arresting or punishing you for refusing to work.
5. Anyone who may have had a hand in returning you to a condition of peonage.

Also Seek Protection

Of course, you should ask the District Attorney to have you placed under protective police custody before making such charges, in order to avoid violence at the hands of your employer or his associates.

You will also probably find it necessary to move to some other section to find safety and subsistence for yourself and family.

MUST WORK OR FIGHT

In time of war, if you are nonwhite you may be forced to "work or fight," under edicts issued by some State governors and local law officials.

Although such edicts lack Constitutional or legislative sanction, they have frequently been backed up by local magistrates, and penalties imposed. Unless you can afford the very considerable sums required to appeal to higher courts, you have little choice but to abide by such edicts.

The purpose of the edicts is said to be patriotic.

They have generally been issued at the behest of white employer groups to insure a labor supply at less than prevailing wage rates.

Applied in Florida

For example, when Florida's Governor Millard Caldwell sent a war-time instructive to all sheriffs in the State to "use their good offices" to eliminate idleness, John Ford, executive of the Florida Farm Bureau Federation (an organization of large white planters), declared:

"This is not simply a work-or-fight order. It is in effect a work-40-hours-a-week-or-fight order." He added that it would also be enforced against all "who fail to work satisfactorily."

In Tampa, Fla., shipbuilding contractors prevailed upon the sheriff to enforce the order as a means of getting colored carpenters, pipefitters, and welders—who were banned from such jobs in shipbuilding because of their race—to come to work in the shipyards as unskilled laborers.

At Miami, a "work-or-fight" edict was enforced to assure enough colored pickers to harvest the crops at prices the white planters wanted to pay. The Miami Herald put it this way:

> Loafing days for able-bodied male Miami Negroes are over and they must "work or fight," it was decreed Thursday by the county's chief law-enforcement officers.
>
> A general county-wide roundup of all unemployed Negro males in selective service ages will be made. Each will be examined for venereal disease.
>
> **Info Given to Draft Boards**
>
> Those infected will be jailed for the cure. Those free from infection will be interrogated under oath, in court, as to their draft status. The information elicited will be handed over to draft boards.
>
> As soon as those jailed for venereal treatment have been cured, they too will be reported to their draft boards for appropriate action.

Shortly afterward, the Herald reported further:

> Acting on the complaint that scores of males loitering in the Negro section derided of work, patrol cars converged on N.W. Third Ave. and 14th St. Tuesday morning to find the corners deserted.
>
> The complaint was made by Mrs. Briggs Branning, assistant to Mrs. C. H. Reeder, general salvage chairman of the Dade County Defense Council.
>
> **Wanted $5, Not $3**
>
> Needing men to help salvage scrap, Mrs. Branning offered several groups of Negroes $3 per day. All of them refused her offer, declaring that they would not take less than $5.
>
> When several of the men became impertinent, Mrs. Branning threatened to call police. Police Chief H. Leslie Quigg dispatched six patrol cars to the Negro section where not a man was found loitering.
>
> **Two Score Taken**
>
> While there, police raided a suspected gambling house. Ten men were arrested and charged with vagrancy and gambling. In touring the Negro section, police picked up three men later in the day and charged them with vagrancy.
>
> The raid Tuesday was in keeping with the police policy laid down two weeks ago by county and city prosecutors that Negroes must either "work-or-fight." At that time police arrested two score men.

In short, if you are non-white, you will find it even more precarious to live in the South in time of war than in times of peace.

NEXT WEEK
OPEN TO ALL (WHITES)

JIM CROW GUIDE to U.S.A.

Wanted: White Protestant Gentiles

Job Picture Critical for Those Who Aren't

FEPC Laws a Boon to Some; Figues Prove Lack of Justice

This is the tenth article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A." condensed from a book to be published by Gaer Associates at $1 next month.

By STETSON KENNEDY and ELIZABETH GARDNER
(Illustrated by Marion Palfi)

If you are a native-born Protestant Gentile, you are not likely to be denied a job or promotion because of your race, religion or national origin.

On the other hand, if you lack one or more of these "qualifications," you will find many jobs and professions in the USA closed to you. In addition, in many other occupations and professions you will encounter discriminations and special hardships because of your race. religion, or national origin.

You will find such discrimination throughout the country, varying only in intensity and comprehensiveness, with some mitigation in the relatively few States which have adopted fair employment laws.

New York Shows Way

New York was the first State to pass such a law—in March, 1945—and although it provides no fines and imprisonment, no employer has ever been convicted or tried under it. New Jersey and Massachusetts FEPCs also provide punishments.

Weaker laws exist in Indiana, Connecticut, Oregon and Wisconsin, while various other States are considering FEPC laws. Chicago, Minneapolis, St. Louis, Milwaukee, Philadelphia, Cincinnati and Toledo have enacted fair employment ordinances.

Race Religious Discrimination

A survey made by the National Community Relations Advisory Council in 1946, covering 134 private employment agencies in the 10 non-Southern cities of Chicago. Cincinnati, Cleveland, Detroit, Kansas City, Milwaukee, Philadelphia, St. Louis and San Francisco, revealed that 89% of these agencies required job seekers to state their religion.

A companion survey to "Help Wanted" ads in eight major cities showed a 195% increase in discriminatory ads in 1946, as compared to 1945.

One large private employment agency in Chicago reported that 83% of the calls it received for workers included discriminatory specifications.

For instance, it found 60% of its calls for executives, 50% of sales executive jobs, 41% of male clerical jobs and 24% of female clerical jobs were closed to Jews.

Racial Groups Hardest Hit

Even the United States Employment Service (USES), in a 1946 survey of 11 selected areas, found that out of 38,195 job orders received, 9,171 of them, or 24%, specified that only citizens of certain racial and religious groups would be considered.

If you belong to some racial minority, particularly if you are colored, you are far more likely to be hit by job discrimination than if you are white but belong to some religious minority.

For example, four out of every five (or 80% complaints made to the Federal Fair Employment Practice Commission (FEPC) during its lifetime (1941-46) were made by or on behalf of colored persons Eight percent charged religious discrimination, 70% of these being registered by Jews.

LAST HIRED, FIRST FIRED

If you are a colored man seeking to earn a livelihood in the USA, you have undoubtedly already discovered the truth of the saying that colored persons are always the "last hired and first fired."

If, like about 63% of colored Americans, you live below the Mason-Dixon Line, you also know there is much truth in the saying that "A colored man has just two chances in the South—slim, and none at all."

In short, you know what it means to have been "naturally born black in a white man's country."

Proved by Statistics

The statistics on this, as reported by the U.S. Census, is that during the depression of the early twenties, 40% of the colored labor force was unemployed. In 1940, 17% of the colored labor force was unemployed, as compared to 7% of the white force. Even in the "boom" year of 1947, 6% of the colored labor force was unable to find jobs, compared to 2% of the white force.

In time of depression, if you are non-white you may encounter such movements as that of the Blackshirts, which in the Thirties paraded the streets of Atlanta, carrying placards reading "No 'n----' on a Job Until Every White Man Has a Job!" Even bootblacks were forcibly ejected from their jobs by the Blackshirts.

Imported Needed Workers

Not even a war emergency is likely to improve your job opportunities to any appreciable degree if you are non-white. During the past war, many war industries imported white workers from other cities, rather than employ, colored persons in their own communities.

The textile industry, in which the manpower shortage resulted in a holdup of the entire Pacific advance, steadfastly refused to take on colored workers, although the backlog of such workers was huge. Bus companies in Washington advertised 200 miles away for white drivers and even hired Government clerks on a part-time basis, but refused to hire colored persons. Ironically, streetcars and buses in the capital are the one place where there is no segregation.

In 1942, on 3% of the workers USES was referring to war industries were colored. The War Manpower Commission estimated that at least one million men and women were unemployed because of prejudice.

Things Better 40 Years Ago

In many respects it might be said that the non-white worker was born 40 years too late.

Forty years ago, in 1910, his chances of finding employment in such occupations as mining, manufacturing, trade, transportation, barbering, and white collar work were appreciably better than they are today.

Today only one out of every 15 colored workers has a white collar job, as compared to 6 out of every 15 white workers.

"For Whites Only"

Here, taken from the last complete U.S. Census (1940), are some of the industries which are more or less exclusively reserved for whites only. Although colored persons constituted 9.8% of the population, these are the percentages of colored employees in each of the following industries:

"White Work"

	per cent
Aircraft	.1
Petroleum & Gas	.5
Wool & Worsted	.6
Electrical Machinery	6.
Footwear	.7
Knit Goods	.9
Silk & Rayon	1.1
Telephone & Telegraph	1.4
Radio & Television	1.5
Printing & Publishing	1.7

On the other hand, keeping in mind the fact that in 1940 nearly 10% of all Americans were colored you will find that in relatively undesirable and underpaid occupations, a very high proportion of the employees are colored.

"Colored Work"

	per cent
Servants	45.8
Sawmill	26.3
Forestry	22.0
Hotel & Lodging	20.2
Brickyard	16.6
Farm Labor	15.5

Apart from all other considerations, you will find that such "colored work" is 20 times more likely to pay less than $1,000 per year than are "white jobs" according to U.S. Census figures.

Among urban and rural nonfarm families in 1946, again according to the U.S. Census, 2.2% of white families had cash incomes of $10,000 and over, but only one tenth of the per cent of non-white families were equally prosperous.

On the other hand, 6.9% of white families saw less than $500 cash in a year, but 15.5% of nonwhite families were in the same boat. The figures for the South reveal a much wider contrast.

Can't Get Needed Training

If you are colored, you will find it exceptionally difficult to obtain vocational training, as well as to put your training to use after you acquire it.

The President's Advisory Committee on Education has reported that in the segregated territory (17 States and the District of Columbia), your vocational training opportunities would be two-thirds greater if your skin were white.

LOST: 40 ACRES AND A MULE

If you are a colored American engaged in farming, you may as well face the fact that only one out of every seven colored farmers has been able to buy his own farm, and this proportion has been going down for the last 20 years. If you were a white, the odds of owning your own farm, would be 50-50.

If you are an average colored farmer, you will have to get along with just $90 worth of tools and equipment, while your average white competitor will have four times as much.

Less Sand To Farm

If you do your farming in the South, as most do, you will find that the white farmers on the average have much more land to farm than do colored ones, be they owners, tenants or croppers. Here are the average number of acres farmed by each:

	White	Colored
Farm owners	140	60
Tenants	120	40
Croppers	45	20

There is also a big cash-value difference in the farms operated by Southern white and colored persons. Here are the figures:

	White	Colored
Farm owners	$4,000	$1,400
Tenants	3,100	1,100
Croppers	1,800	1,000

Whether white or non-white, you should at all costs try to avoid tenant farming or sharecropping in the nine cotton States, where there are laws giving landlords the power to sell your personal property to recover any money he may claim you owe him.

BE YOUR OWN BOSS, BUT—

If you should be able to obtain professional training despite the fact that professional training is not available in many areas, you will still find that your opportunities are hemmed in by racial prejudice.

The extent to which colored persons have been kept out of certain professions is indicated by the figures recorded in the 1940 U.S. Census.

At that time, there were but 80 practicing colored architects in the USA, 254 chemists assayers and metallurgists, 283 engineers, 504 authors, editors and reporters, 1,000 lawyers, 1,700 dentists, 2,339 college professors, 2,608 welfare workers and 3,524 physicians and surgeons.

Limited in Professions

As a professional or business man, you will generally find that, due to prejudice, you clientele will be limited to the colored community.

If you wish to be a lawyer, you must face the fact that many colored clients prefer to hire white lawyers, who by virtue of their color are able to obtain something

...rer justice from the white judges and jurymen.

In this connection it is interesting to note that the Supreme Court of Maryland once held Constitutional a State law barring colored persons from the legal profession, basing its decision on a previous U.S. Supreme Court ruling that laws barring women as barristers were Constitutional.

Florida and Colorado now have laws specifically asserting that colored persons may not be denied admission to the bar because of race, and North Carolina has a similar law governing entry to the dental profession.

Not Allowed in Some Hospitals

If you aspire to be a doctor, surgeon, or nurse, you must face the fact that a great many hospitals will not permit you to treat patients in them.

And throughout the segregated territory, and also in certain other areas, you will find that the local and State chapters of the American Medical Association will not admit you to membership if you are a colored doctor.

At its 1949 convention the AMA not only refused to alter this practice, but also refused to permit physicians located in such areas to affiliate on a purely national level.

Minister's Pay Meager

If you hope to be a minister, you must face the fact that the average pay is so poor that other part-time work may be necessary for self-support.

If you plan to become a barber, you must face the fact that, although colored barbershops for white patrons were once widespread, they have virtually disappeared since bobbed hair became stylish among white women.

Some Southern States have laws prohibiting colored barbers from cutting the hair of white women.

Don't Run for Public Office

If you aspire to public office in the segregated territory, and in some other places besides, you are a likely candidate for lynching.

For example, Larkin Marshall had no sooner announced his candidacy for Congress in Macon, Ga., than the Ku Klux Klan sent him warnings and burned a fiery cross in front of his home.

The number of colored public office-holders in the South can be counted on the fingers of one hand.

There is also widespread discrimination against the hiring of colored persons on municipal payrolls. The city of Richmond long boasted that it employed none in any capacity, skilled or unskilled.

High Court Ruling Ignored

Although the U.S. Supreme Court has ruled that "the right to work for a living in the common occupations of the community is the essence of the personal freedom and opportunity that it was the purpose of the 14th Amendment to secure," the truth is that if you are not a native-born white Protestant Gentile, you will find that your work opportunities in the USA are limited in a great many ways.

Some cities, like San Francisco, have sought to exclude certain groups from certain occupations by means of licensing boards—for example, the Chinese from the laundry business.

Chicago, similarly, once adopted a law against taxicab solicitation and attempted to enforce it against colored taxi drivers only.

Many Ways to Handle Problem

Discrimination by licensing and zoning boards is rather widespread. At Jacksonville, Fla., in 1949, the zoning board first refused to permit a Syrian applicant to open a business on the south side, and subsequently issued a permit to citizen of Anglo-Saxon extraction.

Both in and out of the segregated territory there is a more or less stringent taboo which prevents the hiring of colored supervisors over white workers.

In one Kentucky suit, the Axton Fisher Tobacco Company was awarded damages from the Evening Post, it being held libelous per se to allege that a company employs colored males as supervisor over white females.

MUST WORK APART

In most of the segregated territory, State and/or local laws required that workers be separated according to race. A typical South Carolina statute reads as follows:

"It shall be unlawful for any person, firm, or corporation engaged in the business of cotton textile manufacturing in this State to allow or permit operatives, help and labor of the different races to:

"Labor and work together within the same room, to use the same doors of entrance and exit at the same time, to use and occupy the same pay ticket windows or doors for paying of its operatives and laborers at the same time;

"To use the same stairway and windows at the same time or to use at any time the same lavatories, toilets, drinking water buckets, pails, cups, dippers or glasses."

Exceptions Listed

The South Carolina law provides an exception, however, as follows: "This section shall not apply to employment of firemen as subordinates in boiler rooms, or to floor scrubbers and those persons employed in keeping in proper condition lavatories and toilets and carpenters, mechanics, and others engaged in the repair or erection of buildings."

The law empowers any citizen of the county to institute suit against an offending company for $100, the money to be turned over to the public school fund. In addition, the company may be fined $100 for each offense and/or its responsible officials sentenced to 30 days "at hard labor."

Same in Other States

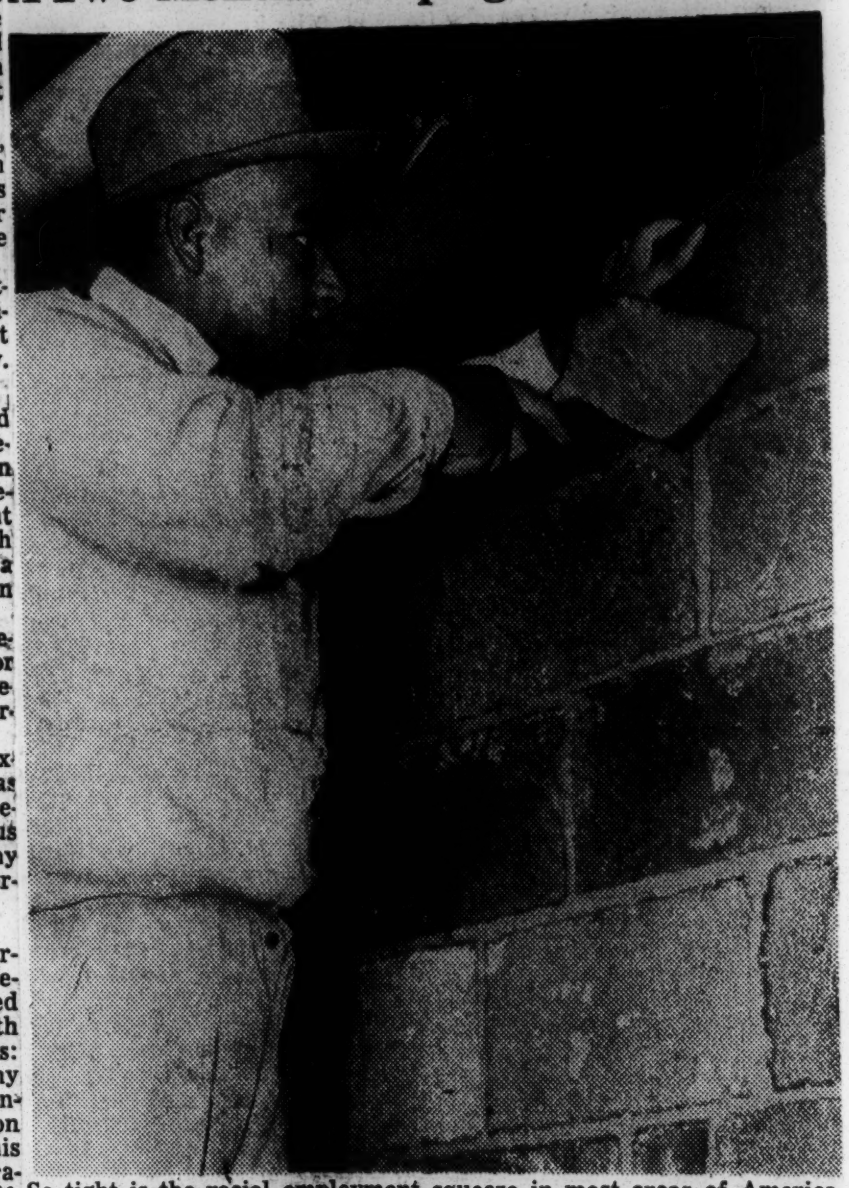
In North Carolina, a State law requires all manufacturing plants located in cities of 1000 or more population to provide separate toilet facilities for white and non-white workers.

Texas, similarly, requires coal mines to provide separate and locker facilities for white and non-white miners.

Because of such laws, some textile plants have separate buildings, as at Richmond, while mills at Winston-Salem, Durham, and Reidsville, N.C., segregate the races into different parts of the building, different rooms, separate sides of a room, or separate rows.

Other plants work whites on the day shift and non-whites on the night shift.

A Two-Months Campaign Brought This



So tight is the racial employment squeeze in most areas of America, it took a campaign of two months before Nathaniel Holden of Baltimore was employed as a bricklayer on a YMCA annex being erected for use by colored youngsters.

NEXT WEEK: THE PROBLEM OF UNEMPLOYMENT

JIM CROW GUIDE to U.S.A.

Organized and Unorganized Terrorism Often Operates to Keep Neighborhoods White

This is the fifth article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A." condensed from a book to be published by Gaer Associates at $1 next week.

By STETSON KENNEDY AND E. GARDNER

The U.S. Government almost invariably follows a policy of racial segregation in housing.

With one or two exceptions outside the South, all of the public housing projects built by the Federal Government are either for whites only or for colored persons. This is also true of U.S. Government housing in the Panama Canal Zone.

The U.S. Government does not always follow local custom in this respect. For instance, the Government housing project built for the workers at the Willow Run, Mich., bomber plant was closed to colored persons even though there was no racial segregation in the community.

"The Federal Housing Administration has never insured a loan to build a housing project of mixed occupancy," FHA Assistant Commissioner W. J. Lockwood said in 1949

In considering applications for loans to build both individual and project housing, the FHA Commissioner says that racial, religious and national characteristics "are given the same consideration as all other characteristics."

"If infiltration will be unacceptable to the local real estate market and desirability of properties will be reduced in the market's mind, FHA must recognize these conditions," the FHA says.

Even Recommends Covenants

"If a mixture of user groups is found to exist, it must be determined whether the mixture will render the neighborhood less desirable to present and prospective occupants," the FHA Manual states, and goes on to recommend "protective covenants."

All this adds up to the fact that the Government of the USA, until recently, did not approve applications for loans to build non-discriminatory apartments or housing projects.

Recently, the Government, through the Federal Housing Administration, announced its intention of no longer guaranteeing loans to private builders who place restrictive covenants on planned property.

ZONING THROUGH TERROR

If you are of the colored race or Jewish faith, you may find yourself barred by terrorism from some communities. For instance, a number of all-white Southern towns display signs at the city limits such as this:

N—' IF YOU CAN READ
YOU'D BETTER RUN;
IF YOU CAN'T READ
YOU'D BETTER RUN ANYWAY

Similarly, the Ku Klux Klan burned a fiery cross in Mattituck, N.Y., bearing a placard reading:

THE JEWS ARE INVADING
MATTITUCK
NO JEWS WANTED HERE
KKK

That such threats are not idle was shown by an incident at Palmer, Tenn. According to the Associated Press on July 8, 1948, Dr. Oscar H. Clements, white, being unable to find bricklayers in Grundy County, employed four colored men from Chattanooga.

Can't Live There

However, the four were driven away by a deputation of five white men who told them, "We won't even allow members of your race to live in Grundy County much less work here."

Deputy Sheriff Jim Dickerson took no action, and said, "There may be one or two colored in the county, but I'm not sure."

In spite of such as this, you do have a Federally-guaranteeed right to establish residence in any community in the USA — if you care to take the risk.

There has even been one case — in 1903 — where the Federal law against conspiracy was enforced against a town which tried to keep colored persons out altogether.

Can Happen Anywhere

Of course if you are a non-Caucasian or non-Christian, you are even more likely to encounter violent attempts to keep you out of certain neighborhoods than out of certain communities. In fact, it might happen anywhere in the USA.

Generally speaking, the chances of your being intimidated or terrorized for moving into a Christian Caucasian neighborhood are somewhat greater if you a colored person, Mongolian, Malay, Gypsy, or American Indian, than if you are a Jew.

If you are thinking of moving into a marginal neighborhood, you may want to make on-the-spot inquiries as to dividing lines, as such lines are not always on the surface.

Together But Apart

Sometimes the line is a street, with one race living on one side and the other on the opposite side.

In other cases, persons of both races live on the same side of the street, but colored persons are permitted to move just so far down the block and no farther.

The most common form of intimidation employed against persons who establish residence on the wrong side of a line is a barrage of threatening telephone calls and letters.

For example, when in 1949, William Lowe of East Orange, N.J., advertised his home for sale to either whites or colored persons, he received numerous threats, including one which read:

SELL TO NEGROES
AND SUFFER

If you persist in living on the wrong side of a line or in the wrong neighborhood, your home may be picketed, stoned, bombed, or burned during the night.

And Innocents Perish

In Chicago, 167 homes established in "white" neighborhoods were bombed within two years after V-J Day, killing four persons, permanently crippling eight, and injuring scores of others.

Since the war, over a dozen such bombings have taken place n Atlanta, three in Birmingham and other blasts have resounded across the country.

In the event that you are prevented by such mob action from occupying a dwelling you have rented or purchased, you cannot sue the landlord or former owner unless you can prove he conspired with the mob.

APPLIED PSYCHOLOGY

You may be subjected to organized as well as unorganized terrorism.

The most prevalent type of intimidatory organization at present are "Homeowners Protective Associations," organized on a neighborhood basis.

"Race segregation here is a natural state, and certain groups which agitate against it are unscrupulous and un-American," says the president of the Federation of Citizens Associations of Washington in a statement expressing the attitude of most such associations.

He Advocated Violence

Local officials of these associations are often more outspoken.

"It' s too bad you can't take a nice healthy club or crow-bar and lay the 'n——s' in the gutter where they belong!" said Arthur B. McNerney, president of the Brookland Citizens Association, before the Dahlgren Terrace Citizens' Association, in Washington, in 1947.

Some of these associations are fronts for the Ku Klux Klan.

One such is the West End Cooperative Corporation of Atlanta presided over by Joseph M. Wallace, a leading member of Klan Klavern No. 297. The corporation's motto is "Not Strife, But Pschology."

Wallace claims to have 1500 white "watchdogs" scattered through Atlanta, who telephone him the moment they see a colored person moving into a white section. A mob is then quickly mobilized on the spot by telephone.

More Refined Technique

With the mob gathered menacingly around, Wallace calls the man aside, assures him he has a right to move in, but intimates that violence will be inevitable if he does.

This procedure represents a refinement of the technique of the KKK's housing kommittee, which simply calls on persons living in white neighborhoods and tells them to move out within 10 days "or else."

In most cases, they move, leaving signs reading:

FOR SALE
TO WHITE PEOPLE ONLY

The Klan has long served as an unofficial police force for maintaining racial zoning.

Substitution (?) for Law

For example, when it was recently proposed that a housing project be built for colored persons in Miami, robed and hooded Klansmen touched off fiery crosses on the four boundaries of the site, burned several colored homes which had already been built inside those boundaries and announced from a sound-truck: "When the law fails you, call on us!"

Another typical example of KKK technique came on Jan. 24, 1949, when Mrs. J. W. Sweat, a teacher who had moved into a white neighborhood in Richmond, received a letter from the Klan containing a bullet and a note reading:

YOU ARE NOT SMART

A recent innovation in Klan intimidation is an electric neon .sIt heon eRy'7t lvla m mbb cross, displayed from an automobile in front of the homes of persons not wanted in the neighborhodo for racial or religious reasons.

Columbians Tried, But Lost

An offshoot of the Klan — sometimes referred to as the "juvenile delinquents of the KKK" — was the Columbians, Inc., a brown-shirted storm trooper movement which cropped up in Atlanta, in 1946, but was outlawed later.

The special function assumed by the Columbians was the turning back of what it called the "'n——r' invasion" of white neighborhoods.

Zoning placards were posted on the borders of white neighborhoods, and were backed up by Columbian patrols armed with blackjacks, brass knuckles, pistols and dynamite. A number of homes were dynamited and one youth, Clifford Hines, was held at gunpoint and blackjacked into unconsciousness for "walking down the wrong side of the street" — even though he had lived on that side of the street for four years.

How Government Pretends

The danger of such violence exists even in situations where the Federal Goverment has jurisdiction. For example, in 1942, a number of persons were stoned by a white mob when they tried to occupy the Sojourner Truth housing project which had been erected for them in Detroit.

The Federal Housing Administration had fostered the violence by changing its decision several times as to which race was to occupy the project.

An historic example of racial zoning by the U.S. Government was the forcible uprooting and evacuation of 110,000 Americans of Japanese ancestry from the Pacific Coast after Pearl Harbor.

No such action was taken against Americans of German or Italian descent following the outbreak of hostilities with those countries.

And Still Nisers Suffer

The Japanese-Americans were confined in barbed-wire concentration camps in the interior for the duration of the war. Feeling against all persons of Japanese descent was so intense that some Chinese felt obliged to wear placards identifying themselves as such.

Some Western States proceeded to pass laws forfidding Japanese to own property. Upon returning to the West Coast since the end of the war, some of these displaced persons have had their homes burned.

The Klan has employed intimidation and violence in an effort to drive both Japanese-Americans and Italian-Americans out of California agriculture.

In the land of the free, you have to be brave to have a home on the "wrong side of the tracks."

He's FBI Hoover's 'Pride and Joy'

Whenever anyone presses J. Edgar Hoover too closely about his failure to employ colored agents for the Federal Bureau of Investigation, he always points with 'pride and joy' to veteran special agent, James E. Amos, with the department in New York since 1921. Stetson Kennedy and Elizabeth Gardner in this installment of "Jim Crow Guide to U. S. A." accuse the FBI of having the most biased employment record in any Federal agency.

JIM CROW GUIDE to U.S.A.

Seeing the South With Jim Crow

This is the eighth article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A." condensed from a book to be published by Gaer Associates at $1 next week.

By STETSON KENNEDY and ELIZABETH GARDNER
(Illustrated by Marion Palfi)

Fourteen States of the U.S.A. require segregation on common carriers as trains, buses, boats and trolley cars.

These States are Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

In addition, the laws of Delaware expressly permit such segregation, and the courts of Missouri uphold racial segregation regulations as imposed by transportation companies.

Cover Nearly Everything

The laws governing segregation in travel are most comprehensive, taking in such matters as eating, sleeping, rest-rooms, baggage rooms, ticket offices, waiting rooms and entrances to terminals.

Since the laws and customs vary widely from State to State and even from locality to locality, you should proceed with extreme caution if you wish to avoid arrest or violence for transgressing. Keep a close watch for segregation signs denoting facilities set aside for "White" and "Colored" respectively, and also make enquiries from time to time.

In short, don't make a move before you stop, look, and listen.

Only Air Is Really Free

If you can afford to travel by airplane, you can avoid being segregated while the plane is in the air. However, as soon as the plane touches the ground in segregated territory, you will find segregation enforced in the waiting rooms, restrooms and restaurants at the air terminals.

As a recent test case of this arrangement, Mrs. Helen Nash was refused damages after the waiting room of the National Airport of Washington refused to serve her.

U.S. District Judge Albert V. Bryan ruled on Sept. 2, 1949, that such segregation does not conflict with the U.S. Constitution, Interstate Commerce Act or any other Federal law.

Even Author Not Safe

You may, of course, travel in unsegregated manner by private automobile, but under the laws of these States you will have to patronize only those restaurants, hotels, restrooms and similar establishments which cater to your particular race.

Moreover, should you attempt to drive through the segregated territory in an unsegregated group, you will be in grave danger of encountering mob violence, unless you are a white employer traveling with a non-white employee.

If you are non-white, you are further advised that throughout the segregated territory the rules of the road will apply to you equally with non-whites only at speeds of 25 miles per hour and upwards.

Often Denied Right of Way

While driving at lower speeds, you will find many whites inclined, due to the absence of considerations of self-preservation, to deny you right of way.

While there are no laws governing segregation on motorcycles, it would be hazardous to attempt a motorcycle trip in the segregated territory with anyone of different race. The American Motorcycle Association, by the way, is limited to "whites only."

You are likewise forbidden by law to travel in an unsegregated manner by water on any vessel carrying passengers for a fare in the inland or coastal waters of the segregated territory.

Maryland Laws Tipical

The laws of Maryland on this subject are typical. "All steamboat captains plying waters within the jurisdiction of Maryland" (inland waterways and coastal waters up to three miles offshore, are required to segregate white from colored passengers while sitting, sleeping, and eating, so far as "construction of the boat permits."

Virginia law goes further: companies must provide "separate and non-communicating rooms for the white and colored races."

Should you refuse to be thus segregated, the captain is cloaked with authority to put you ashore at the nearest landing, and you are precluded by law from collecting damages.

Furthermore, you may be fined from $5 to $50 for refusing to obey the captain edicts, while he may be fined from $25 to $100 if he neglects to segregate you.

Aliens Feel Sting

If you happen to be a citizen of some foreign country, you are nevertheless subject to the segregation laws and customs in the USA.

For example, in August of 1949, six seamen from the West Indies were jailed at Savannah, Ga., after they refused to accept segregated drinking fountains which were installed on board their cargo ship for the use of a repair crew.

Asked by local police whether they were white or colored, the seamen replied that they were simply British subjects to whom American segregation laws did not apply. Thereupon they were jailed for disorderly conduct.

IGNORANCE NO EXCUSE

Should you be arrested for violating segregated travel regulations, it will probably do no good to plead ignorance.

When Marshall Johnson, 15, and his sister Edwina, 16, of Newark, N.J., were visiting relatives in Montgomery, Ala., during July, 1949, they did not know that as colored persons they were required by law to sit in the rear of the city buses

When they took a seat near the front, driver S. T. Law drew a pistol, drove them off, and ordered their arrest. Edwina testified later that she was kicked off.

The children were held two days, and Judge Wiley C. Hill Jr., threatened to send them to the State reform school until they were 21 years of age. He released them on probation, however, because he felt they "realized their mistake."

No Diplomatic Immunity

Even if you are a diplomatic representative of some foreign government, there is no diplomatic immunity from arrest and perhaps violence if you violate segregation laws and customs.

It is for this reason that the U.S. State Department maintains a special office in Miami, whose chief function it is to meet visiting Latin American dignitaries as they arrive at the International Airport.

Those officials then whisk the diplomats away in private limousines to be entertained until such time as they can be put aboard another plane to carry them North and out of the segregated territory.

Just Care for Someone

One of the very few instances in which you may travel in an unsegregated manner through segregated territory is in the event that you are an invalid, in which case you may travel with a nurse or attendant of another race.

The North Carolina law, which is typical in this respect, specifically exempts from segregation "nurses or attendants of children or of the sick or infirm of a different race, while in attendance upon such children or sick or infirm person."

Some States, such as Georgia, Mississippi and North Carolina itself in its local common carrier law, drop the legal fiction of equality and specify white employers traveling with non-white attendants.

Have Someone in Custody

Again, if you are an officer of the law and have a prisoner or lunatic of another race in custody, you are exempt from the segregation laws. By the same token, if you are a prisoner traveling in custody of an officer of another race, an exception is made.

Nevertheless, the courts have ruled that a conductor may require a white officer to sit with his colored prisoner in a colored coach, and that the officer may not sue the railroad for damages

The Arkansas law is typical in this regard, providing as follows: "Officers in charge of prisoners of different races may be assigned with their prisoners to coaches where they will least interfere with the comfort of other passengers."

Coaches Usually Separated

As a rule, railroads assign separate coaches for colored passengers. Arkansas makes the exception that "on short railroads of less than 30 miles in length, segregation may be accomplished by wooden partition."

In North Carolina, on trains having but one passenger car, the transportation commissioner may "make such rules and regulations for the separation of the races and with regard to toilet facilities" as may be "feasible and reasonable in the circumstances."

Texas requires that train coaches carrying both whites and non-whites be divided by a "good and substantial wooden partition with a door therein."

SOME SPECIAL PROVISIONS

Here are some other legal provisions worthy of special note:

ALABAMA. Motor transport companies are required to have separate waiting rooms for colored and white persons, separated by "a partition constructed of metal, wood, strong cloth or other material so as to obstruct the vision between the sections."

ARKANSAS. Copies of segregation law must be posted "in a conspicuous place in each coach and waiting room."

Trains which break down are exempt from complying with segregation laws until the train reaches a point where additional cars are available.

Railroads which do not segregate are subject to fines from $100 to $500 for each and every unsegregated train run. Fine for passengers who violate law: $10 to $200.

Buses must display sign four inches high indicating white and colored sections.

Upon refusal of any passenger to be segregated, "the person in charge shall proceed to the nearest town, city, hamlet, or village, and thereupon it shall be the duty of the first available peace officer to remove said passenger and subject him to arrest."

Ejected in Georgia

GEORGIA. Train passengers who refuse to be segregated, and officials or employes of the railroad who do not enforce segregation or "fail to assist in ejecting said passenger" are guilty of a misdeameanor. In Atlanta, colored persons may enter the white waiting room at Union Station to patronize the newstand. At the Terminal Station, they are not allowed to enter the white waiting room under any circumstance.

MARYLAND. Trolley conductors may, when all other seats are filled, permit a colored person to share a seat with a white, but "only with the permission of the occupant."

Railroads required to segregate, whith signs in each coach with "appropriate words, in plain letters, in some conspicuous place."

Partitions instead of separate coaches are permissible in all counties except Prince George, Charles, St. Marys, Calvert, and Anne Arundel.

Passengers and companies which do not comply with segregation laws subject to fine of from $300 to $1,000.

Same Kind Not Equal

MISSISSIPPI. Law does not require that facilities be equal, but only that they be of "same kind." Intercity buses and streetcars must carry segregation signs visible from all parts of vehicle. Local trolleys must be divided by partition or adjustable screen.

NORTH CAROLINA. Any passenger subjected to non-segregation may recover damages from transportation company at the rate of $100 for each day thus spent. Fines derived from violations of segregation laws specifically set aside for State educational fund.

SOUTH CAROLINA. Trolleys transporting whites only or colored only must bear illuminated signs reading "White" or "Colored" clearly visible for 300 feet after sunset.

SOLE JUDGES

The segregation laws generally empower the operators of trains, buses, and boats to judge your race on the basis of physical appearance, and to segregate you accordingly. The Tennessee stat-

ute is typical:

"It is the duty of the conductors in charge of passenger trains to determine the race to which passengers belong and to keep them separated ... and he must exercise ordinary care in doing so.

"If he makes an honest mistake in determining the race of a passenger, the railroad company is not liable to damages for such mistake.

"But if the conductor, through negligence, makes a mistake in taking a white passenger to be colored, the railroad company may be held liable for substantial damages, and in a proper case may be held liable for punitive damages."

Whites Only Can Choose

The Virginia law is more brief, providing simply, "If the passenger fails to disclose his race, the conductor and managers, acting in good faith, shall be the sole judges of his race."

If you are a colored person who appears to be white, conductors are not likely to insist that you travel white if you express a preference or determination to travel as colored.

On the other hand, if you are a white who appears to be colored, conductors may forcibly segregate you.

On the basis of a number of court rulings, it would appear that a white person mistakenly forced to travel as colored may readily collect damages from the company on the grounds that the facilities were not equal, while colored passengers traveling in the same coach would have extreme difficulty in collecting damages on the same ground.

'LOWER 13'

If you are non-white and make a reservation outside the segregated territory for a berth in a Pullman coach, you may occupy your berth in traveling into segregated territory.

But if you seek to make such a reservation while inside segregated territory, you may encounter extreme difficulty or be refused point blank. In Birmingham, in Houston and in numerous other Southern cities, you will find it impossible to get a berth.

In Atlanta, you cannot obtain a berth at the terminal, but you may be able to do so by applying at downtown ticket offices of the railroad companies.

You Get Real Privacy

In most sections of the segregated territory you are likely, upon applying for a berth, to be assigned to what has come to be known as "Lower 13."

This is the designation given the drawing room in each sleeping coach, since there are 12 upper and 12 lower berths. In other words, you will get a private drawing room for the price of a berth.

It is interesting to note that Georgia, in requiring segregation in sleeping coaches, goes on to say, "Provided, that nothing in this section shall be construed to compel sleeping-car companies or railroads operating sleeping cars to carry persons of color in sleeping or parlor cars."

Porters Can't Use Bedding

Texas, in a "Public Health Act," specifically prohibits colored Pullman porters from using berths or bedding ordinarily used by white passengers.

As in the case of seating arrangements, exception is made in the case of a nurse or servant in attendance upon an employer of another race.

The only other exception is in the case of cabooses attached to freight trains, where sleeping quarters are set up for crewmen.

NEXT WEEK—'Last Call' to Dinner.

Yes, in America Jim Crow Even Extends to Baggage

Not satisfied with the mere keeping of people of different colors apart, some Southern communities even segregate, of all things, baggage. One wonders how the baggageman can tell "white" luggage from "colored" luggage.

JIM CROW GUIDE to U.S.A.

White Supremacy as a National Policy

Situation in Capital, Cites American Canal Zone Evidence

Federal Agencies' Own Practices Make Farce of Democratic Ideal

This is the eleventh article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A." condensed from a book to be published by Gaer Associates at mid-spring.

By STETSON KENNEDY and ELIZABETH GARDNER

(Illustrated by Marion Palfi)

The principle of white supremacy has been so widely adopted as a national policy of the Government of the U.S.A., that a non-white you may not care to seek employment with a Government agecny, or live in the capital or colonial posses-sions of the U.S.A.

There is nothing in the U.S. Constitution which in any wise guarantees you equality of opportunity, regardless of race, creed, or national origin.

The assertion contained in the American Declaration of Independence that "all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness" is but a statement of an ideal, and has no legal status whatsoever.

No Federal Protection

Since the liquidation in 1946 of the Fair Employment Practice Committee, established by President Roosevelt, there is no longer any agency of the Federal Government to protect you from job discrimination because of your race, creed, or national origin.

In view of these conditions, you, as a non-white, will probably fare better in one of the several States having fair employment and civil rights laws, than if you will live in the District of Columbia or some other territory administered directly by the U.S. Government.

No Group Complaints Heard

However, if you already have a job working for the Federal Government, there is one agency to which you can complain of racial discrimination on your job — the fair employment board of the Civil Service Commission. This board will not consider complaints against racial segregation as practiced by government agencies, unless you can prove that such segregation is hurting your chances of promotion.

The baord will consider individual complaints only. Complaints made by groups of government employees, acting collectively or through their labor union, will not be heard.

Seven Promotions to Your One

Just how much fair treatment you can expect as a result of this procedure was revealed by a case study made in 1948 by the National Committee on Segregation in Washington.

Selecting a typical government agency, the committee compared two groups of 40 white and 40 colored employees.

The two groups were substantially identical in terms of age, sex, marital status, educational level, length of service, job title, grade and efficiency rating.

It was found that the whites had averaged one promotion for every 2 years of service, while the colored had averaged only one promotion for every 14 years.

In other words, all else being equal, your white co-worker will get seven promotions from Uncle Sam to your one.

'WHITE MAN'S GOVERNMENT'

In a good many government agencies, your chances of promotion, or even being employed on certain jobs, are virtually nil.

The NAACP has charged that the U.S. Department of Justice, Interstate Commerce Commission and Federal Trade Commission have followed a policy of hiring colored persons as menials only.

In the Bureau of Printing and Engraving, if you are colored you cannot get a job as a printer or supervisor.

In the Veterans Administration, only segregated jobs are offered.

No Square Deal From FBI

Of the Federal Bureau of Investigation, it is interesting to note that the NAACP in a letter to FBI Director J. Edgar Hoover has said:

"It is increasingly difficult for thousands upon thousands of American citizens to believe that an agency of the government whose personnel recruiting record is so badly tainted with racial bias, will, when it comes to protecting the rights of minority racial groups, give them a square deal."

'CAPITAL OF DEMOCRACY'

In Washington, the nation's capital, racial discrimination is nearly as rife as it is elsewhere in the segregated territory.

The District of Columbia Government, which is administered by a Congressional committee, employs very few colored persons except in menial capacities.

This is especially true of the tax collector's office, engineer's office, purchasing office, and vehicles and traffic department. The fire and police departments are segregated.

Throughout the District, in both public and private employment, colored job-holders are laborers, you will find six out of every eight domestic servants, or service workers. Only one out of every eight white workers in the District find it necessary to take such work.

The Actual Breakdown

More specifically, the last U.S. Census revealed that in the District fo Columbia non-whites constituted 92% of all janitors, charmen, and porters, 91% of all utilities laborers, 80% of all construction laborers, 77% of all servants, 76% of industrial laborers, 74% of all elevator operators, 72% of all trade laborers, 71% of all railroad laborers, 68% of all cooks, 60% of all laundry workers and 57% of all messengers.

Oof cqo hhu.' moar hoar oa

At the same time, the U.S. Census showed that whites were holding down all of the boilermakers' jobs in the District of Columbia, 99.6% of the motormen's jobs, 99.4% of the telegraph operators' jobs, 99.4% of the book-keeping and accounting jobs, 99.3% of the conductors' jobs, 98.6% of the machinists' jobs, 98.3% of the telephone and telegraph linemen's jobs, 97.6% of the metal workers' jobs, and 96.6% of all printing jobs.

Women of Greater Knowledge

If you happen to be both non-white and non-male, you are at a double disadvantage in the District of Columbia, as elsewhere in the USA.

White women monopolize 99% of all stenographic jobs in the District, 98.6% of the telephone operators' jobs, 97.3% of the clerical jobs, and 96.9% of the library jobs.

As a non-white non-male, you will find your kind consigned to 89% of the elevator jobs, 85% of the cooks' jobs, 82% of the charwomen's jobs, and 78% of the servants' jobs.

No matter how high the job to which you may aspire in the nation's capital, no matter what your qualifications, no matter how great your national and international prestige, racism remains operative as a potent factor.

Dr. Bunche's Case Cited

For instance, Dr. Ralph Bunche, United States mediator in the Palestine dispute, in 1949 turned down an offer to become Assistant U.S. Secretary of State, because he did not want his children to be subjected to racial segregation as it is enforced in the capital.

If you are a non-white who for some reason aspires to a career in the Armed Forces of the USA, you will find racial discrimination rampant, not only as to admission to many branches of service, but also as to training and promotion.

An Executive Order issued by President Truman in 1946, and a directive by Defense Secretary Louis Johnson in April, 1949, calling for the elimination of racial discrimination in the Armed Forces, have had but little effect.

A testimonial dinner scheduled for Johnson on Dec. 14, 1949, was canceled after colored organizations threatened to picket in protest against the continuance of discrimination in the Armed Forces.

'ALL THAT GLITTERS . . .'

Racism has become a basis for the foreign as well as the domestic policy of the Government of the USA.

One exemplification of this is the Panama Canal Zone, which is officially described as a "U.S. Government reservation," and is administered by a governor appointed by the President of the USA.

The Canal Zone has a civilian population of more than 48,000, some of whom are whites from the U.S. proper, but most of whom are an admixture of colored, Indian and Hispanic strains.

The USA whites, according to U.S. Government usage in the Canal Zone, are designated "Gold," and the remainder are called "Silver."

Dollar vs. Nickel

Should you seek employment in the Canal Zone, you would find the following U.S. Government hourly wage scales prevailing, depending upon your color:

	"Gold"	"Silver"
Blacksmith	$2.04	$ .62
Bricklayer	2.19	.62
Cabinetmaker	2.09	.74
Carpenter	2.09	.62
Cable splicer	2.20	.56
Painter	2.19	.56

If you are "Silver," you will not be paid any bonus for overtime work; if you are "Gold," you will receive premium pay for overtime.

If you are "Silver," you will be paid once each month; if you are "Gold," you will be paid every two weeks.

Same Food, Different Allowance

If you are "Silver," you will be paid $1.20 per day for meals while away from your official station; if you are "Gold," you will get $2.20. Food prices are the same, regardless of color.

If you are "Silver," you are excluded from the generous retirers. However, as a "Silver" worker annuity paid to "Gold" worker, you are entitled to cash relief of $1 per month for every year of work you have performed, up to a maximum of $25 per month.

The Government of the USA not only practices racial discrimination in its own agencies and territories, but also has a record of fostering such discrimination in private employment.

Upholds Private Job Bias

For example, the U.S. Employment Service before the war was sending 60% of all non-white job-seekers into servant jobs.

Even during the war, when the demand for workers in war industries was acute. the USES continued to send 30% of all non-white applicants into jobs as servants.

In a single year after the war, inu 1946, this figure rose to 45%, and the trend has rapidly accelerated since the U.S. Employment Service was handed back to the individual States.

(NEXT WEEK: LOAFING — FOR WHITES ONLY.)

Etiquette, a la Jim Crow

By STETSON and ELIZABETH KENNEDY

A sequel to the author's JIM CROW GUIDE TO THE USA previously published in serial form by the AFRO-AMERICAN papers, and soon to appear in book form.

Here, for the first time, are brought together the vicious dictates of racist etiquette in the USA—a stupid maze more infamous than anything ever imposed on "second class citizens" by Adolf Hitler.

In many sections of the USA you cannot go by the ordinary rules of etiquette when you are dealing with persons of another race.

Instead, you must abide by the dictates of a special interracial etiquette which governs relations between white and colored Americans, particularly in the segregated territory.

So, in such circumstances, you had better forget what you have been taught is fitting and proper behavior in human relations — much of it is altogether taboo in interracial relations.

Study Guide Closely

Even if you were born and raised in the USA, you couldn't possibly know everything there is to know about the intricacies of interracial etiquette, so it will pay you to study this Guide closely.

It doesn't pay to be ignorant of the interracial etiquette, especially if you're nonwhite. The big idea back of this etiquette is reflected in the folksong whose refrain goes:

Now if you're white,
You're all right.
And if you're brown,
Stick around.
But if you're black,
Get back, get back, GET BACK!

Probably at no time in history—not even in Nazi Germany in its oppression of Jews and all non-Nordics — has any society been more insistent upon conformity with its codes of social conduct than is the USA in demanding adherence to the dictates of interracial etiquette.

No monarch, potentate, or dictator has ever been more imperious in insisting upon gestures of obeisance from his subjects than is the Southern white in demanding the constant obeisance of nonwhites.

Naturally, the maintenance of such an unfailing air of servility on the one hand and of superiority on the other requires an all-pervasive etiquette of great intricacy.

Penalties Unequal

Although the penalties imposed for failure to conform are greater if you are non-white rather than white, whites as well as nonwhites have been lynched for committing faux pas.

If you're white, however, the penalty is more likely to consist of social ostracism and economic sanctions; if non-white, even if you're spared a lynching, the economic sanctions may be so severe as to be a matter of life or death.

As one Southern nonwhite puts it, "It is reason enough to pretend you respect white folks when you know they will get you killed for disrespecting them."

The existence of an interracial etiquette has also given rise to two separate and distinct interracial etiquettes — one governing relations among whites, the other governing relations among colored.

No Writen Rules

Although the rules of interracial etiquette do not often have written legal status, they have come to have what might be called common law status, and you will find them enforced by legal as well as extra-legal means.

If you are non-white and offend some white by a breach of etiquette, the usual procedure is for the white to exact an abject apology, and, if that is not forthcoming, to launch a physical attack upon you.

If he fails to derive satisfaction in this manner, he will likely summon a white mob or officer of the law. The officer may join in the attack upon you, and/or arrest you on some such charge as "assault and bakery" or "disorderly conduct."

Why You Must Mind Your Manners'

If you think it's nonsensical to behave one way toward your own race and another way toward the other race, you've obviously missed the whole point of interracial etiquette.

Its function is to provide ceremonial forms for all contacts between whites and nonwhites that will serve as a constant reminder to the former that they are superior, and to the latter that they are inferior.

In other words, it is the purpose of interracial etiquette to provide badges of first — and second-class citizenship.

Aids Exploitation

This not only has psychological and social ramifications, but also serves the basic economic and political purpose of facilitating the exploitation of nonwhites by whites, both collectively and individually.

In addition, by keeping workers apart on racial lines, the etiquette serves to keep profits up by holding wages down; but this fact is little recognized.

Yet this has been the historic function of the etiquette ever since the introduction of nonwhites to the USA as chattel slaves, and subsequently since their conversion into wage slaves.

And so this venerable etiquette has a genealogy which includes the master - slave relationship, the Black Codes hastily enacted into law after the Civil War brought emancipation, the segregation laws painstakingly drawn up thereafter, and all the unwriten laws which have at length evolved into mores buttressed by the authoritarianism of tradition.

Varies With Sections

Inside the segregated territory you find few if any opportunities to treat persons of the other race as equals.

If you are nonwhite you may find that in some places with some people you can "take a few liberties" (as white folks put it), while in other places and with other people you will have to "toe the line."

Class counts in interracial etiquette, sometimes. For instance, if you are a professional - class nonwhite, some white workers will not insist that you tip your hat in greeting them, as they invariably would if you were also a worker.

But watch out for exceptions — some poor whites like to go out of their way to exact deferential treatment from professional-class nonwhites.

Private "Class" Privileges

Your chances of achieving anything like mutually respectful relations with a person of the other race are somewhat improved if you both belong to the same class, however. Any such relation you might establish in segregated territory will have to be indulged privately, however.

If, despite being nonwhite, you succeed in finding some influential white who will associate with you with some semblance of equality in public, a peculiar social phenomenon may ensue; white tradespeople, upon observing the fraternization, may conclude that it is the stylish thing to do, and begin to serve you in a manner to which you have not been accustomed. This could happen only in non-segregated territory, of course.

JIM CROW GUIDE to U.S.A.

Only 18 of 48 States Offer Any Protection

5 in Dixie Once Upheld Rights; Ridiculous Practices Bared

[This is the thirteenth article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A.," condensed from a book to be published by Gaer Associates at this writing.]

By STETSON KENNEDY and ELIZABETH GARDNER
(ILLUSTRATED By MARIAN PALFI

If you think any law-abiding person has a right to enter places of public accommodation in the U.S.A., regardless of race, creed, or color, you were born about 70 years too late.

Not since 1883, when the U.S. Supreme Court ruled out the Civil Rights Act of 1875, has there been any Federal law against discrimination in public places.

During the 12 years of its existence, that law assured all persons within the USA of full and equal access to hotels, common carriers, theatres, and other places of amusement, subject only to such regulations as applied to everyone alike.

In those days if you were denied admission because of your race you could file a complaint in Federal court which would impose a heavy fine and sentence against the proprietors, and award you substantial cash damages.

Dixie States Had Similar Laws

About that same time the Reconstruction legislatures of five former Confederate States—Louisiana, Florida, South Carolina, Arkansas and Mississippi — adopted similar civil rights laws.

But, except in Louisiana, all these were repealed when the lily-whites took over.

The Louisiana law, an Act of 1869, is still on the books, in case anyone is interested. However, it has long since been forgotten. Should you as a colored person seek admission to a public place for whites only, and file a complaint under it, you should be prepared for considerable fireworks.

Majority Rule in Delaware

The Delaware law was adopted after the Civil War, and empowers proprietors of hotels, restaurants, theatres, and similar establishments to refuse accommodations to anyone who may be deemed offensive to the majority of the clientele.

The Tennessee law, adopted in 1875 and patterned after that of Delaware, was somewhat modified in 1885 by a provision that "all well-behaved persons" must be admitted to public places, except that the right of proprietors to segregate their patrons according to race is reserved.

Although other States in the segregated territory do not have written laws upholding the right of proprietors of public places to practice racial discrimination, such sanction has often been extended by the courts.

Bad, Vulgar or Wrong Color

For example, in a North Carolina case the court ruled that the guests of a hotel "cannot be lawfully prevented from going in or be put out . . . unless they be persons of bad or suspicious character, or of vulgar habits, or so objectionable to the patrons of the house, on account of the race to which they belong, that it would injure the business to admit them to all portions of the house."

Alabama, it ought to be mentioned, does have a law which prohibits members of one race from using toilet facilities in a hotel or restaurant that is operated for members of the other race.

This is of course intended to keep colored employees of white establishments from using the same toilet facilities as whites.

Massachusetts Too Discriminated

For quite some time, Massachusetts had a law forbidding white women under 21 years of age to enter a Chinese restaurant or hotel, it having been contended that Chinese proprietors were fostering prostitution.

It appears that in some of the 18 States having civil rights laws that you must be a citizen of the USA in order to press a claim that you were discriminated against because of your race.

In California, and other States, you do not have to be an American citzen to press charges under that State's law against racial discrimination.

JIM CROW INSIDE USA hedup

Different Hours Not Solution

At least one of the 18 States which have civil rights laws, Ohio, has ruled that a proprietor of a public place cannot circumvent the law by having different hours for white patrons only and colored patrons only.

Maine and New Hampshire have laws forbidding proprietors of public palces to advertise in such manner as to suggest discrimination against any "religious sect, nationality, or class," but neither of these laws has ever been construed as forbidding racial discrimination

The courts of Pennsylvania Massachusetts, Oregon and Utah—have taken the position that a ticket to a pubilc performance is nothing more than a license which the manager may revoke at his own discretion, so that you, the patron, can only demand a refund of the price of the ticket.

This the courts have alleged to be a "common law" principle.

Washington State Allows Damages

Only in Washington State have the courts held that a ticket is a lease rather than a revokable license, so that patrons who are discriminated against may sue for damages as well as the price of the ticket.

In all the segregated territory there seems to be no case on record of a colored person's somehow acquiring a ticket to a white performance and demanding admission on the basis of it.

Should anyone attempt this, the proprietor in denying admission would only be liable for the price of the ticket—and a suit might be necesary in order to collect it.

GRASS-ROOTS FASCISM

While there are 18 more or less free States which have civil rights laws, there are 17 States in which racial segregation in places of public assembly is enforced by local laws, leaving 13 States in which proprietors must make and enforce their own discriminatory regulations.

As a matter of fact, Virginia does have a State law requiring racial segregation in theatres and similar establishments, and South Carolina has a State law requiring separate entrances for the races at circuses and tent shows.

City Ordinances Elsewhere

Throughout the rest of the segregated territory, such segregation is accomplished by municipal ordinance. Typical of these laws is that adopted by the City of Atlanta on Feb. 21, 1945. Entitled "Offenses Against the Public Order, Peace, and Morale," this law declares:

"It shall be the duty of the proprietor or person in charge of any place of public assembly, where attendance of both races is permitted, to allot different sections or portions of the place of assembly to be occupied by white people and different sections or portions to be occupied by colored people."

A fine of $25 and/or 30 days' imprisonment is provided for any proprietor or patron who violates the law.

Adopted while the war was still in progress, this particular law was unofficially sponsored by the Ku Klux Klan, and was primarily intended to put a stop to the unsegregated meetings which were then being conducted by the American Veterans Committee in Atlanta's USO (United Service Organizations) hall.

COME AND BRING YOUR LUNCH

Both in and out of the segregated territory, the refusal of hotels catering to whites to admit non-whites costs the proprietors considerable sums in their inability to play host to interracial conventions.

For example, when the National Education Association met in a New Orleans hotel, the management installed a stepladder at a side window and suggested that colored delgates use it rather than the main entrance and lobby—whereupon the colored ones refused to attend.

In the same way, on those rare occasions when the Atlanta Biltmore Hotel has permitted interracial conferences to be conducted in its conference rooms, it has refused to serve meals to the delegates, even in the privacy of the conference room.

Consequently, the colored delegates had to bring their lunches with them, or make the long journey to the section of the city where they could obtain a meal.

Mixed Teams Not Wanted

Those hotels which refuse to accommodate colored persons generally will not accept mixed groups travelling together, as Presidential candidate Henry A. Wallace and baritone Paul Robeson discovered in Illinois and elsewhere in 1948.

Cornelia Otis Skinner, the noted actress, found it virtually impossible to obtain hotel reservations for herself and her maid during a 1948 tour of the segregated territory.

One Southern theatrical agent suggested that accommodations might be available if the maid would don a nurse's uniform.

Couldn't Eat Together

Only four hotels in the region would finally take in both, and all insisted that they sleep in adjoining rooms, and that the maid use the service elevator only.

Attempts by the two to sit together in railroad dining cars were to no avail. Taxis would accept both, but if Miss Skinner went to her hotel first, the maid would be dumped on the sidewalk and told to call a colored cab.

Such problems may be encountered almost anywhere in the USA, the 18 civil rights laws notwithstanding.

As a single example, the famous pianist, Hazel Scott, was refused service in a Pasco, Wash., lunch stand in 1949, despite the fact that she had been snowbound and had not eaten for many hours.

JIM CROW INSIDE USA hedup

Getting Around Laws

In the civil rights territory, the laws are quite generally circumvented by a variety of devices and subterfuges. If you are colored, or are traveling in "mixed company," the hotel clerk may insist that he has no vacancies, even though you may hold an advance reservation.

In restaurants, the headwaiter may insist that all vacant tables are "reserved," or he may seat you out of sight or near a hot kitchen, or you may be allowed to sit indefinitely without service, or you may be served food too salty to eat.

Until adoption of a strengthened civil rights law, New York courts upheld the right of a proprietor to refuse to serve whites and colored together.

EAT, DRINK, BE MERRY—IF

There was a time when many bars in the segregated territory catered to both whites and non-whites, albeit in separate rooms.

Such establishments have now disappeared almost entirely, and in some States, such as Louisiana, are

specifically prohibited by law.

Such laws forbid the dispensing of alcoholic beverages to whites and non-whites under the same roof, no matter how substantial the partition between them.

Neighborhoods 'Off Limits'

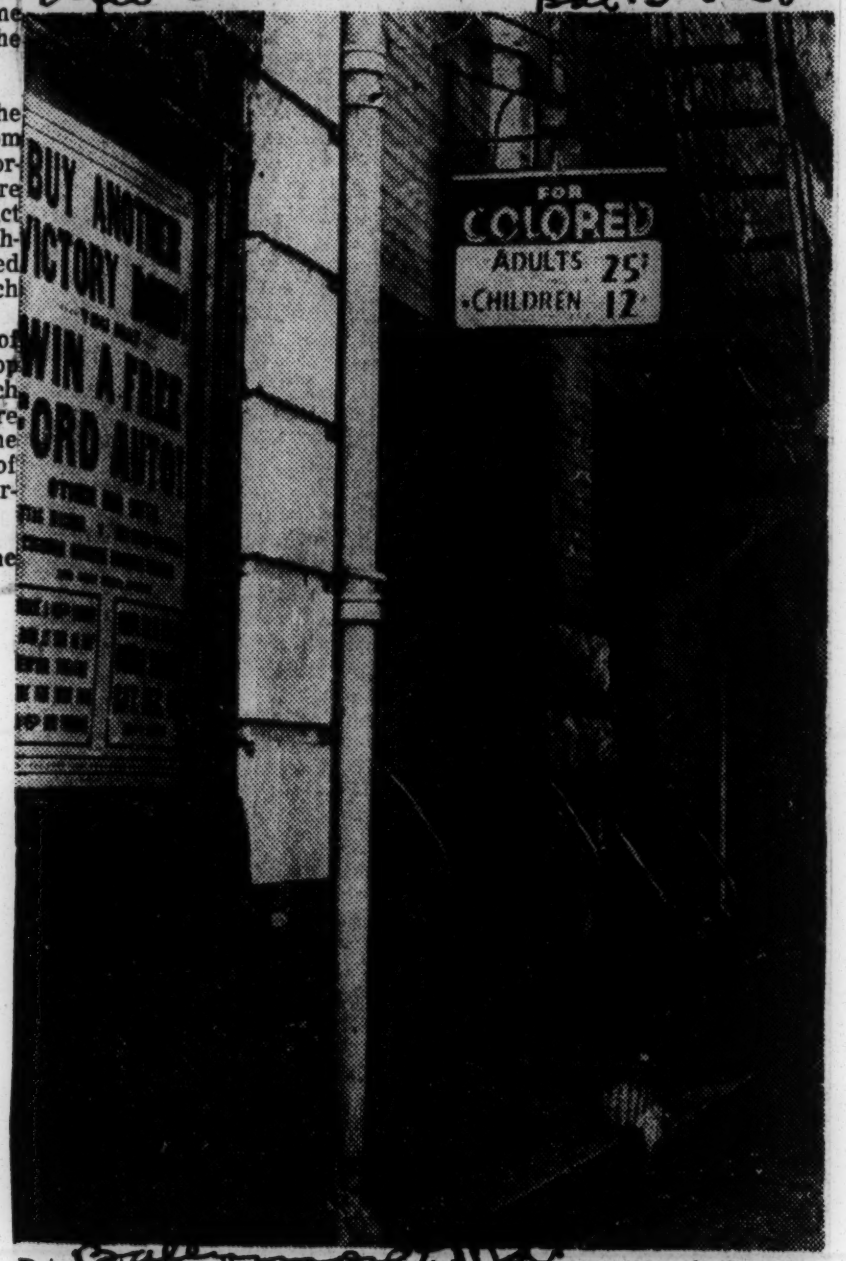
In some places, persons of the different races are prohibited from drinking in the same neighborhoods, as in New Orleans where Judge Frank Stich in civil district court in 1949 forbade the establishment of a nightclub for colored persons in the city's famous French Quarter.

Similarly, the county board of El Paso, Texas, in 1949, put a stop to name-band dances at which white and colored couples were separated by a row of chairs. The action was taken at the instance of Maj. Gen. John L. Homer of nearby Fort Bliss.

NEXT WEEK — "Don't Let the Signs Fool You."

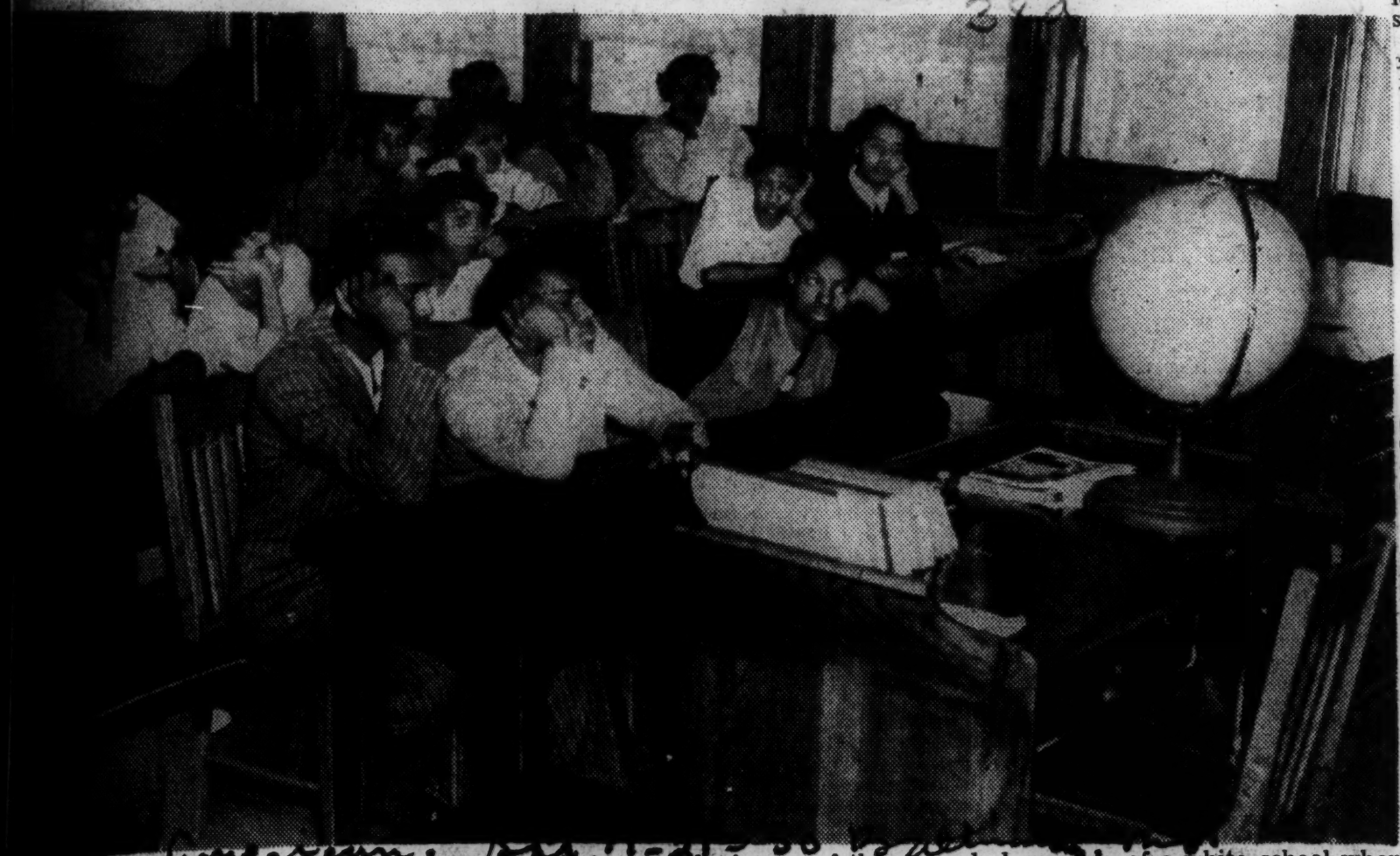
In U.S.A. You're Free to Be Jim Crowed

Afro-American Sat. 3-4-50



Patrons to this alley entrance to a large theatre are asked to buy Victory Bonds (cee poster)—and enter through this rough alley and climb scores of stairs to sit perched high in jim-crow galleries. It happens only in the U.S.A. See "Jim Crow Guide to U.S.A.," by Stetson Kennedy and Elizabeth Gardner, below.

Their Sit-Down Strike Brought Results



These East St. Louis, Ill., school children staged a sit-down strike in one of the unused classrooms of a white school when they were refused admission last February. Police later escorted them from the classroom laying ground for a suit which opened the school to all.

JIM CROW GUIDE TO U.S.A.

Book Learning: Black. White

This is the seventh article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A." condensed from a book to be published by Gaer Associates at $1 next

By STETSON KENNEDY and ELIZABETH GARDNER
(Illustrated by Marion Palfi)

If you or your children are in search of a public education in the U.S.A., the following compilation will serve to guide you as to the laws and/or practices which impose racial segregation in 25 States, Washington, D.C., and the Canal Zone.

ALABAMA. Segregation required by law at all levels.

ARKANSAS. Same. Under the inconsistent laws of Arkansas, a child having some infinitesimal fraction of colored blood is assigned to white schools, but when he grows up, he may legally marry a white person, provided his colored blood is not "visible and distinct."

ARIZONA. Segregation required by law in elementary schools, expressly permitted in high schools.

CALIFORNIA. Segregation of Mexican as well as colored students, by local practice, continues despite 1946 ruling against such segregation by Los Angeles Federal Judge Paul J. McCormick.

DELAWARE. Segregation required by law at all levels.

FLORIDA. Same. It is a criminal offense for persons of one race to teach persons of another race, or to permit students of one race to attend a school of another race.

Pay Involved

GEORGIA. Segregation required by law at all levels. "No children into separate schools . . . having all the rights, privileges, and advantages of all other schools . . .

In case no separate schools for colored children are provided, then such children shall be allowed to attend the public school with white children; provided, further, that when any child attending such colored school shall, on examination and certification of his or her teacher, show . . . that he or she has made sufficient advancement to be placed in a higher grade than that afforded by such colored school, he or she shall be entitled to enter the school provided for white children of like grade . . ."

Social Pressure Enforcement

In some localities, school principals exercise discretionary power in deciding whether they will admit non-white students. In other communities, particularly in the southern portion of the state, segregation is enforced by social pressure.

KANSAS. Segregation expressly permitted in elementary schools; sometimes occurs also in high schools.

KENTUCKY. It is a criminal offense to permit whites and non-whites to be educated in the same institution, either public or private. The state has no statutory definition of a colored person, but courts have denied admission in to a white school of a person having one-sixteenth colored blood.

LOUISIANA. Complete segregation at all levels.

MARYLAND. County education boards are expressly empowered by state law to establish segregated schools "where population warrants." No instance is known of an unsegregated school in Maryland. In 1923 the University of Maryland was authorized to pay out-of-state tuition for colored students wishing to pursue studies not available to them within the state, following tests "to determine which applicants for scholarships may be worthy of such awards." Maryland has no "separate but equal" provision.

New Textbooks Separate

MISSISSIPPI. Segregation required by law at all levels. It is further required that free textbooks be stored in separate warehouses (Act of 1940). Separate school districts also required. Regular school districts should consist of not less than 45 "educable" children; however, where "great distances or impassable obstructions intervene, a regular district may include as few as 15 educable children.

Where swamps, large streams, or other bodies of water or marsh, not crossed by footbridges" intervene, a special district may be established "for such children as live in the forks or bends of the streams," provided they number at least 10.

In any month in which the average attendance is less than five, said school shall be closed.

In a county where there are Indian children, or children of any race not otherwise provided for by law with educational advantages, the county board may locate one or more schools exclusively for Indians, or children of such other race."

Teacher Applicants

White and non-white applicants for teachers' licenses are forbidden by law to take examinations together. Anti-miscegenation law definition of colored person as anyone having 1/8th or more colored blood has been held not applicable to education, where anyone having any "appreciable amount" of colored blood is segregated as colored.

MISSOURI. Segregation required by law at all levels.

NEW MEXICO. Segregation is expressly permitted by law in elementary grades; sometimes occurs also in high schools.

NORTH CAROLINA. Segregation required by law at all levels. "The county board of education shall consult the convenience and necessities of each race in fixing the boundary line of school districts for each race."—Act of 1923. Instead of guaranteeing "separate but equal" school facilities for the two races, the state constitution calls for "equal opportunities." Until 1931, the state's 1/8th colored blood formula, as applied against miscegenation, followed in education; but in that year a special definition was adopted, whereby anyone having ANY colored blood is barred from white schools.

OHIO. Some communities in the southern part of the state use organized pressure contrary to law to segregate colored pupils, especially in the elementary grades.

OKLAHOMA. Segregation required by law at all levels . . . Criminal offense to permit white and non-white students to be educated together in any school, college, or other institution, public or private.

PENNSYLVANIA. A survey conducted by the NAACP in 1948 found segregated schools to be a "recognized institution" in Pennsylvania, contrary to law. A third of the 37 communities studied had formal segregation, particularly in the elementary grades.

Recognizes Mixed Bloods

SOUTH CAROLINA. "Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for chil-

dren of the other race." SPECIAL PROVISION: "Persons having less than 1/8th colored blood shall be entitled to full rights of full-blooded whites, provided however that full-blooded whites do not object to their attending a common school; if there is objection, the state is obligated to provide a separate school for the mixed bloods, neither white nor colored."

TENNESSEE. Segregation required by law at all levels. No "separate but equal" proviso. Anyone permitting mixed schooling may be fined $50 and imprisoned from 30 days to six months. Colored persons are defined as anyone having any colored blood. (The Tennessee anti-miscegenation follows the 1/8th formula).

TEXAS. Segregation required by law at all levels. Trustees required to keep census of all children in district, with whites and non-whites on separate lists. Despite constitutional definition of a colored individual as one having 1/8th or more colored blood, the school law adopts the formula of "anyone of mixed blood descended from colored ancestry."

Teachers Permitted

VIRGINIA. Segregation required by law at all levels A few white teachers in colored schools; no colored teachers in white schools.

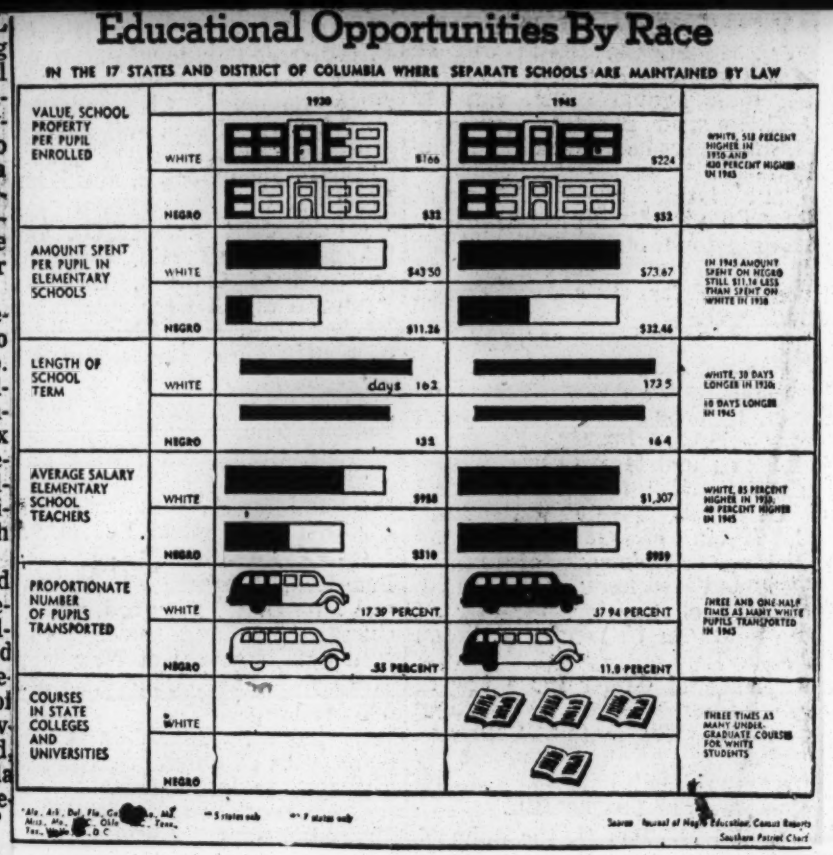
WEST VIRGINIA. Segregation required by law at all levels. Forbids persons of one race to teach in school of other race.

WYOMING. Segregation expressly permitted in elementary grades; sometimes occurs also in high schools.

DISTRICT OF COLUMBIA. Segregation based on Act of Congress, 1878. District Court of Appeals ruled in 1910 that all children having 1/16th or more colored blood are barred by law from attending white schools. Segregation was upheld by the District Court in 1947.

PANAMA CANAL ZONE. All schools provided by the United States Government are strictly segregated. Whites are designated "Gold," non-whites "Silver." Gold schools are vastly superior to Silver. Gold teachers are paid higher salaries. A junior college is provided for Gold students; none for Silver.

NEXT WEEK: Seeing The South with Jim Crow.



South Carolina (Judge J. Waties Waring)

Whites, Negroes Gather From Eight Dixie States To Honor Judge Waring

CHARLESTON, S. C. — From eight states of Southeastern United States last week came 125 Negroes and whites to cite U. S. District Judge J. Waties Waring for his "true democratic spirit."

The pilgrims, led by Aubrey Williams, former NYA administrator of Montgomery, Ala., presented the jurist with a citation calling him a "wise, just and courageous [illegible]."

Accepting the honor in his Charleston home which has been subjected to attacks of violence by racist vandals, Judge Waring was visibly touched.

"We do not live in darkest Africa," he said. "We live in darkest South Carolina.

"This day will serve as an incentive to large group of decent Americans who live up to the ideals of true Americanism. It will also serve to warn the great number of those whose hatred has been aroused."

The pilgrimage was sponsored by the Southern Conference Education Fund. State Chairman Mrs. Modjeska Simkins of Columbia was a member of the six-member committee which presented the citation to the jurist.

Other committee members were Mrs. M. Simpkins, Columbia, S. C.; Miss Miriam Bacote, student at Georgia State College; Frank Spencer, Savannah, Ga.; H. B. Butler, Newberry, S. C. and Rev. J. C. Dunbar, pastor of Morris St. Baptist church.

Among the pilgrims were Dr. and Mrs. R. J. Wilson, Florence, S. C.; Mrs. E. E. Gaulden and Mrs. Gussie Miller, Newberry; Mrs. R. N. Evans, Columbia; Mrs. L. Brown, Florence; Mrs. L. Y. Hosea, Greenville, Ala.; Mr. and Mrs. L. Wright, Summerville, S. C.; Mr. and Mrs. F. Spencer, Savannah, Ga.

Etiquette, a la Jim Crow

By STETSON and ELIZABETH KENNEDY

A sequel to the authors' JIM CROW GUIDE TO THE USA previously published in serial form by the AFRO-AMERICAN papers, and soon to appear in book form.

Here, for the first time, are brought together the vicious dictates of racist etiquette in the USA—a stupid maze more infamous than anything ever imposed on "second class citizens" by Adolf Hitler.

If you are a white man, good interracial etiquette requires only that you be discreet in having sexual intercourse with a non-white woman.

In segregated territory, it is imperative that the relationship, if more than casual, be no more than concubinage. Such relationships continue quite common, and many are common knowledge in the community.

It is often possible to indulge in such a relationship and yet retain the "respect" of the white community.

Even so, the white community does not tolerate that such relationships be dignified by any public manifestations of love. The general sentiment as expressed by one Southern gentleman, is "I'll have one the same as I would a dog, but that don't mean I have to love 'em."

Bestiality Leads to 3 Deaths

As a case in point, consider that which took place on Jan. 9, 1950, at 2 a.m., when Leon Turner, Malcolm and Melvin Whitt, three white residents of Kosciusko, Miss., shot up the residence of colored sharecropper Thomas Harris, killing Mary McAfee, Hall Harris, age 4, and Sonny Men Thurman, age 13.

The three white men had just been released from jail where they had been lodged on a charge of "criminality" for assaulting Harris's 17-year-old stepdaugter, Pauline Thurman.

Interracial etiquette's sanction of sexual intercourse between white men and non-white women extends also to children born of such intercourse, so that in many Southern communities the white father can contribute more or less openly to their support.

But Leave White Women Out

On the other hand, sexual intercourse between white women and non-white men may not even be discussed openly in white circles. The mere idea of any degree of mutuality or reciprocity in such relationships is ruled out as unthinkable by the white community. Consequently, whenever such a case comes to light, it is automatically interpreted as criminal assault.

This taboo extends with unabated force to the profession of prostitution.

White women are not permitted to cater to non-white men in the segregated territory, even in communities where all other forms of prostitution flourish openly and enjoy police protection.

'Call Girls' the Answer

Such interracial prostitution as does exist is carried on by "call girls" who can be reached by telephone only, and arrangements are made to meet at some secluded rendezvous.

Transportation is a problem, as many white cab drivers refuse to deliver white prostitutes to non-white neighborhoods.

If you are a non-white man, avoid even driving through white "red light" districts at night — others have been mobbed for this offense.

Little Protection Given

If you are a non-white woman, the courts of the segregated territory offer you little or no protection against assault by white men. Even when there are confessions, convictions are seldom brought in.

For example, three white youths confessed to the 1944 Christmas Eve assault of a 17-year-old girl at Decatur, Ga., but were nevertheless acquitted by the De Kalb County jury.

While ordinary etiquete frowns upon public display of romantic physical affection, interracial etiquette goes on to rigorously insist that non-whites refrain from all manner of love-making in public (i.e., within sight of whites).

Couldn't Kiss GI Goodbye

This taboo is 100 percent effective; few Southern whites have ever seen colored persons kissing, for example, whereas public kissing by whites is commonplace. Moreover, the taboo enjoys quasi-legal status.

For instance, when Hattie Mae Bell, 16, kissed her solder sweetheart goodbye at the Atlanta train terminal, she was badly beaten by a policeman and arrested on suspicion of having venereal disease.

Keep Safe Distance

If you are a non-white man your very life may depend upon your ability to keep a safe distance from white women.

Generally speaking, it's a good idea not to get within arm's reach of one.

In fact, the farther you stay away from them, the safer you will be.

This is most true of the segregated territory, but you will find it hazardous to associate with white women anywhere in the U.S.

Not Always Question of Love

You need not harbor any amorous intentions to get into serious trouble. For instance, a non-white man was publicly flogged for eating candy out of the same paper bag with a white woman.

Others have been lynched for allegedly winking or whistling at white women (hence, you may want to avoid whistling or blinking in a manner that might be construed as a wink in the presence of white women).

Any unnecessary physical contact may also prove fatal, including accidental bumping. Even if you are employed as a chauffeur, you should not risk offering physical aid to a white woman to alight unless she is actually infirm.

They'll Scream on Sight

The fact is, you do not even have to come into physical contact—mere proximity to a white woman has signed the death warrant of many a non-white man.

For safey's sake, don't go wandering up to some white man's house to ask for a drink of water or something; white house wives have been known to scream hysterically at the unexpected sight of a non-white man, with dire consequences for the later.

If you want to stay out of trouble, avoid at all costs being alone with a white woman.

They'll Betray You

Do not be misled by protestations of affection from a white woman. Should your affair be discovered by white persons, the odds are very great that she would accuse you of assault in order to save her own face.

The perils of such relationships are so great that most non-white men in the segregated territory are inclined to give white women the widest possible berth.

Love is no excuse for making love with someone of the other race. In fact, it is the worst possible excuse in the eyes of the white community.

For instance, when a non-white youth employed in an Atlanta drug store felt moved to write a love note to a white waitress, he also felt moved to move to another community. He knew that many like him have been lynched for less.

Stay in Your Place

A "good n—r," according to the Southern white definition, is one who "knows his place and stays in it."

As put another way by Southern non-whites, "When you in Rome, Georgia, you got to act like it."

If you want to know how you're supposed to act in Rome, Ga.—and everywhere in the segregated territory, as well as in a great many other places in the USA—the best thing for you to do is follow this **Jim Crow Guide.**

Rich or Poor—It's the Same

A non-white mortician of Mississippi has summed up the basic requirement thus:

"In this part of the country a colored man can only go so far. The white folks want you to stay in your place, and if you get out of it too much they are going to put you back in it.

"The white man is the 'Boss' of the South and you got to talk to him like he is the Boss.

"It don't make any difference how much money you have or how much education, he won't look at you as his equal, and there is no use in your acting like you're his equal if you want to stay here."

In short, if you are non-white and wish to achieve some measure of physical, emotional, and economic security in the USA as presently constituted, it is well-nigh essential that you accept your color as a badge of second-class citizenship, and conduct yourself at all times, accordingly.

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SECOND IN A SERIES

On the whole you will find that regional variations in interracial etiquette conform more or less to the institutionalized forms of racial segregation in the area.

The etiquette is therefore most pervasive in the territory segregated by law, and diminishes progressively in the border areas and relatively free territory.

Since the institutions of segregation are quite static inside the segregated territory, whites and nonwhites know precisely—almost instinctively—just what is expected of them in all situations.

Border Areas Not Clear

But in the border areas, where the institutions of segregation are somewhat more susceptible to alteration, the etiquette is not so clearly defined. Consequently no one knows quite what to do, or what the consequences may be. This inevitably gives rise to considerable uncertainty and tension in interracial relations.

Even outside the border areas you will find, if nonwhite, that social visiting with whites is beset with many perils unless you have a **definite** invitation for a **specific** time. Otherwise you might encounter white guests who would make you uncomfortable to say the least.

Social Equality Is Out

The avowed reason you are not permitted by interracial etiquette to associate on a basis of equality with the other race is because it is assumed that social intercourse must inevitably lead to sexual intercourse, which—it is further assumed—would be biologically bad.

Insistance upon the validity of this theory of a master race has not abated in the face of abundant evidence to the contrary submitted by the foremost anthropological scientists of the world.

Most white inhabitants of the USA's segregated territory say they would "rather die" than associate with nonwhites on a basis of social equality.

As a matter of fact, whites as well as nonwhites have died at the hands of mobs for having indulged in social equality.

Lack "Self Respect"

There is a general feeling on the part of the Southern white community that any white person who associates with Negroes is "lacking in self respect" and "is "lower than they are."

As is usually the case, nonwhites are punished most severely. It is not surprising, therefore, to find that most nonwhite Southerners studiously avoid all social contact with whites.

As one such says, "Several of the white fellows asked me to go fishing with them. I didn't go because I don't believe in getting too thick with white folks."

Another says: "The white man across the street from here is just as nice to me as he can be. He calls me over there and begs me to play checkers with him. He sells candy and drinks and things like that, so while we play he insists that I eat with him.

"He carries the thing so far that sometimes I get scared. I just stopped going over there so much because I didn't know what those other white folks would think. You know they can get some crazy things in their heads sometimes."

Thou Shalt Not Eat Together

One of the most stringent commandments of the interracial etiquette is that you shall not partake of food with a person of the other race.

Should some sort of emergency arise in which it appears necessary for you to eat with the other race, the etiquette requires that everything possible be done to indicate that it is not being done on a basis of equality.

Wherever possible you are supposed to sit at separate tables, preferably with some article of furniture between the tables to further symbolize the segregation. Whites are supposed to be served first.

A Case in Point

Here's how one group lived up to the etiquette under difficult circumstances. Four white fishermen, together with a nonwhite man whom they had hired to row their boat, found themselves in the middle of a lake at lunchtime.

Before partaking of food they required the nonwhite to sit in the bow of the boat, and laid a fishing pole laterally across the boat to segregate him from them.

There are precious few situations in which the bar against co-racial eating is lowered in the segregated territory.

However, if you are a nonwhite nursemaid and wish to consume an ice cream cone or soda pop along with the white child in your custody, you are permitted by the etiquette to do so, provided you take it with you—that is, you cannot sit at a table, use utensils, or have a drink of water, (except in a paper cup).

Etiquette of Drinking

If you are male, you are free under the etiquette to drink intoxicating liquors with males of the other race. In formulating the etiquette, the whites have swallowed their pride in this instance in order to swallow nonwhites' liquor. This was necessary because whites and nonwhites often work together (apart) on isolated jobs where liquor is not readily available.

However, if a white man should offer you a drink, he will hardly expect you to drink from the bottle after the manner of his white fellow workers, but rather to find a receptacle of some kind.

On the other hand, should you offer a white man a drink from your bottle he may drink from it if there is no receptacle at hand, and rationalize his behavior by assuming that the alcohol will have sterlized the germs which nonwhites are supposed to monopolize.

Whites Drink First

In either situation, if a new unopened bottle of liquor is involved, the etiquette recommends that all white men be allowed to drink from it first, before the remains are passed around among nonwhites.

As for smoking, if you are male you may also feel free to indulge with males of the other race.

But if you are female, you are not thus privileged. Under the mores of the segregated territory, white women would still regard it as highly presumptuous if a nonwhite woman were to drink or smoke in their presence. However, if you are a nonwhite woman, it is permissable for you to partake of snuff in the presence of white women.

Warning: if you are a nonwhite male, do not under any circumstances offer to light a cigarette for a white female in segregated territory (this is regarded as an intimate gesture reserved for white males only).

(Continued Next Week)

Hotel Drops Race Ban For Students

KNOXVILLE, Tenn.—Two Negro students among the ten winners in the county-wide American-ism oratorical and essay contest spoil the ordinary custom here by dining as honored guests at a downtown restaurant.

George Pennington was first place winner in the Junior high school division of the oratorical phase and Marvina Chambers was first place winner in the essay division.

Prominent Matron Struck By Clerk In Kroger Store

A prominent matron in civic and church circles of the city charged a clerk of the Kroger Grocery Store with malicious manhandling last Saturday.

Mrs. St. Elmo Hampton, registrar-secretary at Boone-Higgins Trade School told the MEMPHIS WORLD representatives Tuesday that she went into the Kroger Store on Bellevue near McLemore Saturday afternoon about 1:30 as she has been in the habit of doing since 1948.

She made a few purchases and decided to buy some onions which she placed on the scale and waited for the clerk to come and weigh them. When the clerk came where she was standing, he opened a refuse drawer and, upon closing it, caught the buckle from Mrs. Hampton's dress.

Unable to open the drawer, Mrs. Hampton had to call the clerk back and ask him to release her belt, and in so doing, her finger was caught. The young woman screamed in pain and the clerk allegedly told her in an angry tone to "Get your d——hand out of the way!"

He further told her if she had any complaint to make, to make it to the manager. But Manager Downs of the store had heard the commotion and walked over to where the two people were standing. When he discovered what had happened he asked Mrs. Hampton to kindly step into the back stock room where they could talk the situation over.

Mrs. Hampton was in the midst of reciting the happenings to Manager Downs when Clerk Hall allegedly walked into the stock room and grabbed her by the neck, breaking her necklace, and slapping her face.

Manager Downs reportedly stopped the angry clerk from any further hostility, and took Mrs. Hampton back to her residence, 1373 Dow Place. He explained what had taken place to her husband, W. M. Hampton, who immediately went to the store to question the clerk as to his actions and brutal attitude toward his wife.

Clerk Hall admitted slapping Mrs. Hampton, saying that his anger was justified. "You would have done the same thing," he said to Mr. Hampton, who, of course, did not agree with him.

An outstanding member of Centenary Methodist Church, Mrs Hampton was treated by her physician late Saturday afternoon. She and her husband declared that they contemplated filing suit against the store for the malicious treatment she received and the personal injury sustained.

This Happened In 'Athens of the South'

"No Nigger Is Mrs. to Me; We Don't Call No Nigger Mrs." So Says J. F. Day, of the J. F. Day Screen and Weatherstrip Co., Inc., Nashville, Tenn.

I had just placed an order with him for the installation of Venetian Blinds at my new home, 2413 Jefferson street. He had delivered the upstairs blinds with ours, and I gave him an order for the down-stairs blinds in the name of **Mrs Kathryn LeSure.** He took the order and I expected all communications and relationships to exist under the signature. However, when the **Day Company** had occasion to address me, he addressed me as "**Kathryn LeSure**," upon calling his attention to the necessity of using my full name, as my name, your name, Mr. Days, name is distinguishable from that of any other individual only in its entirety and that includes the title of Miss, Mr. or Mrs. But Mr. Day stated, angrilly, loudly and in no uncertain terms: "No Nigger is Mrs. to me, we don't call no Nigger Mrs."

Just what Mr. Day thinks of me as an individual is of no interest to me, but I was taught, as you were taught in business practice or administration, never to allow personal feelings or attitudes to be reflected in business recordings, transactions or relationships.

If Mr. Day, or his personnel had the benefit of office and business training, I'm sure he too was taught the same. In his blunt and emphatic statement, he took the transaction as a personal matter, reflecting his personal feelings toward **All people of color,** losing sight of the business transacting which concerns itself with only the legal name of any customer, whether it be "Little Lord Fauntleroy" or "Little Miss Muffett," if that be the name in which his credit is registered or established. No firm or individual has a legal or moral right to change the name of any customer ere whit; to say nothing of the teachings in business of "Courtesy **for all customers."**

Was it not this same attitude of intolerance and racial lunacy that characterized the "Hitler" drive against all Jews and non-Aryans that resulted in disastrous World War II. The same intolerance for people who are different from each other that is causing the present expending of thousands of human lives today. Is not every right-thinking man, woman, and child doing his bit to spread the belief that our Democratic Way of Life is the best for all nations and peoples, and that **"Tolerance"** and understanding of races is the fundamental principle of **Freedom** and **Democracy.** While here we have one little man doing his best to create inharmonious relations when he is in a position to foster better relations by setting the example. **Nazism, Communism,** and all isms thrive on just such attitudes as Mr. Day, when he brazenly blurts, **"No Nigger is Mrs. to me."**

Thousands of Negroes have bought blinds from this company, pouring thousands of dollars into its business; but to Mr. Day, you are not just another customer; you are just a **"Nigger"** regardless of your station in life, and he has not hesitated to say so. When he took your money, and mine it was not separated as **"Nigger Money,"** but went just as far as that of anyone else's to liquidate the expenses of the company. Are you not entitled to the same courtesy shown any customer even if you are a brown American. I am sure, that all intelligent Negroes of Nashville will appreciate this information, that is why I am passing it on to you.

Submitted by:
MRS. L. D. COLEMAN
MRS. KATHRYN LESURE
MRS. N BRIDGEFORTH

Segregation Issue Viewed by Council

Dallas News

By WALLACE H. SAVAGE

(At the request of The News, Mayor Savage here-with sets out candidly the action of the City Council in relation to the local segregation issue. Mayor Savage's article is presented in two parts. The second will appear Wednesday.)

THE DALLAS CITY COUNCIL has recently received visits from two different groups. The first group represented the National Association for the Advancement of Colored People, the second was composed of white home owners in South Dallas. Both groups wanted to talk to the Council about the infiltration of Negroes into white areas in South Dallas and the bombings that resulted. These two groups had one thing in common: each charged the Council with indifference to the situation and charged partisanship in favor of the other. Each felt that nothing had been done to solve the problems peculiar to that group.

On the one hand, the white residents of that area resented the police protection afforded as so overwhelmingly unnecessary as to indicate that the move of Negroes into the white area had Council sanction and was being actively supported and encouraged through the police department of the city. On the other hand, representatives of the NAACP stated that the City Council was not protecting civil liberties in this area. In the Negro press, the Mayor and the members of the Council have actually been charged with connivance and complicity in the bombings of Negro homes. These widespread views may indicate that the Council has pursued a middle-of-the-road policy which finds favor in the eyes of 95 per cent of the citizens, since the extremists on both sides violently disagree with the Council, but the individual Councilman feels the need to review what has been done and is being done, in order to establish to the people whom he represents that he has not been indifferent, nor has he mistreated any group.

THE MATTER OF POLICE protection has been most difficult. The Negro group has challenged the Council to cause the police department to put more officers into the controversial area to prevent further violence and apprehend the perpetrators of past bombings. On occasion there has been reported the fact that a Negro had bought a house, was moving into the area, and had been threatened with bombing or other violence as soon as he moved in. The white residents have asked that obvious police protection be removed. This request has been made very sincerely by some, on the theory that the Negroes would not move into the area if the implied protection of the Council of the city government were not there in the form of police protection. On the other hand, the volume of police report of threats of hanging, burning, bombing and other violence attest that removal of all police protection might signal a beginning of a reign of violence.

THIS DISAGREEMENT as to the use of police power is not a new problem for the Council, for other groups have presented their divergent theories as to the use of police in connection with gambling, and in connection with labor disputes.

The Dallas City Council has never set a policy, or at least what can be termed a partisan policy, on any of these matters. Only one set of instructions has been transmitted to the police department through the City Manager to preserve the peace and enforce the law. Our answer to all groups who have attempted to influence the use of the police department has been that the City Manager is the chief law enforcement officer of the city and our police officers are trained in their professions; that we expect them to do their duty in the preservation of the peace and the enforcement of the law, and that they should be better qualified to know how this can best be done than a group of elected officials. It is true that police officers have, on occasions, stood guard over the home of a Negro who has moved into a white area. This was pursuant to a report that that home would that evening be bombed. I do not see how the police department could do otherwise, for certainly, if it were reported that a home was to be bombed and it was bombed, and no police protection was afforded, Dallas would receive national adverse criticism and the police department be put in a very poor light.

It is always possible in these matters to make mistakes. It has been stated that police officers accompanied a real estate dealer who was going through putting up sales signs in a white area, intending sales to Negroes. Upon this being reported to him, the City Manager, the chief law enforcement officer of the city, stated that he regarded this as out of line, not a normal police function, and capable of interpretation as being the indication of a policy decision on the part of the municipal administration that an area should go into Negro. The City Manager ordered the practice discontinued immediately.

I CAN UNDERSTAND that some people who have seen previous racial trouble would consider the attitude of the Council as indifferent, based upon experience in other years or in other places. I imagine that it has happened in some places in other times that police officers have so harassed Negroes with purported violations as to drive them out of an area. Let me skip any debate on the ethics of such procedure and say, simply, that I think individual Councilmen could be jailed for a conspiracy to violate civil rights of a citizen if it could be proved that such a practice was deliberately instigated by the governing body. We can not and will not accede to the requests of those who would have us engage in such a course of conduct.

THE NUMEROUS DISCUSSIONS which we have had locally, and the publicity given to recent Supreme Court decisions, has given the information to all citizens, I believe, that the City Council has no power to segregate races as to where they live. We can not say where a man of any race will live or where he will not live. Because of these restrictions upon our powers, and because we can not attempt to do indirectly what we can not do directly, the Council and the civic leaders of Dallas have had to work in other ways.

Texas

Caddo State Park Negro Facilities Will Be Studied

Special to The News

MARSHALL, Texas, March 16.—Reconstruction under way at Caddo State Park will be inspected and a study made of separate but equal facilities for Negroes by J. L. Goode, executive secretary of the Texas State Parks Board. Goode is expected here soon.

George Harper, concession operator in Caddo State Park near Karnack, said contractors were now at work on a $15,000 reconstruction job in the park.

Attention to provision of separate but equal facilities for Negroes was expected to spring from the signing Wednesday by Gov. Allan Shivers of a bill passed by the special session of the Legislature authorizing the State Parks Board to provide such facilities.

The bill grew out of a court suit brought by a group of Texas Negroes complaining that state parks lacked facilities to serve their people.

Prejudice Against Negro Race Unique

To The News:

May I make this reply to the letter, Grand Jury Mess, by S. A. Beaird, in The News July 19? I call the author's attention to the things which make the Negro's situation unique, which I am sure the writer overlooked:

1. The Negro constitutes the largest minority group in America.

2. He is the only group against whom hate and rancor of such vast proportions exist that it is impossible for him to be thought of as a human being.

3. He is the only group insulted with impunity in the press and on the air.

4. He is the only race in America that some of our legislators are against being fairly employed.

5. Negroes alone, of all the varied races in Dallas living not on the fringe but within white sections, are singled out to have their homes bombed with nothing done about it.

6. The Negro is the only group that has to fight race prejudice and discrimination in jobs, in the school, in the church, and even when he is to die in battle for his native land like other men.

He can not, Mr. Beaird, expect his maligners to be concerned about him. His case and the case of any other group, let's say Mexicans, are entirely different. So much ill will has been built up against the Negro that he feels it imperative to have someone who is personally interested in his welfare, if he is to get anything resembling a fair and honest deal. The Supreme Court of the nation, also, shares this opinion along with the Negro.

Perhaps, in the future, when Mr. Beaird and other fair-minded white people have lessened some of the ill will that has been heaped upon the Negro there will be no need for this "grand jury mess" which is now so disturbing to them.

RALPH A. EDMONDSON.
P.O. Box 1052, Marshall, Texas.

NEGROES LOSE DECISION ON PARKS SEGREGATION

By DAWSON DUNCAN
News Staff Writer

HOUSTON, Texas, Sept. 11.—Texas Negroes lost a 3-judge federal court decision Monday that will result in a long delay in their suit aimed at ending racial segregation in state parks.

What their next move will be in the court fight started last December was uncertain. W. J. Durham, Dallas attorney for Negroes suing to get state park privileges and for the National Association for the Advancement of Colored People, said it would be decided at a conference of lawyers.

Circuit Judge Joseph C. Hutcheson Jr. announced the 3-judge court decision to toss the suit back on the state courts' lap because a new state law is involved.

It is one passed hurriedly early this year at a special session of the Legislature arming the State Parks Board with power to do a lot of things to preserve racial segregation in the state parks.

Attorneys for the Negroes who brought the suit—three from Tyler and one from Austin—challenges its constitutionality.

Judge Hutcheson agreed with the Attorney General's plea that recent Supreme Court decisions give lower federal courts discretion to leave it up to state courts to construe state laws before taking jurisdiction. The new state law never has been tested in court.

The case was not thrown out of the Federal Court, however. Judge Hutcheson said the court would decline to take jurisdiction at the present. It will remain on the docket and the Negroes may make new pleas in it if they do not get early state court action.

Durham said attorneys for the Negroes would confer to decide if an appeal should be attempted from the ruling or if a new suit should be filed in a state court. After the State Supreme Court rules on the new law, then the Negroes, if they lose, can go back into Federal Court on the issue they are being denied equal rights.

Durham estimated it would require at least a year to push a new suit through state courts to a supreme court decision.

The new law, passed as a countermeasure to the suit, would permit the parks board to carry on segregation, provide equal facilities for Negroes and, if necessary, to close the parks or lease them to private operators.

All of that, Durham and U. Sampson Tate, another NAACP lawyer from Dallas, argued, gave the board more power than the Constitution allows.

E. Jacobson, assistant attorney general representing the parks board, said the state court interpretation of the new law possibly could eliminate the federal question in the suit. He asked that the federal court suit be dismissed or proceedings in it be delayed. The court granted the latter.

Durham argued that an interpretation of the new law was not at stake. It clearly gave the parks board authority to discriminate because of race and color, he said. Segregation is an integral part of discrimination, he insisted.

"You say the parks board is going to continue to be wrong so long as it segregates?" asked District Judge Ben C. Connally of Houston.

"Yes, if it is solely on race and color," answered Durham.

The suit is one of about a dozen filed in Texas by Negroes aimed at breaking down racial segregation laws. It was filed in the court of District Judge Ben Rice Jr. of Austin, who called for the 3-judg hearing.

Texas Legislator Attacks 'Jim Crow'

AUSTIN, Tex.—The South's segregation system was attacked last Tuesday by a member of the Texas Legislature.

A denunciation of Dixie's traditional "Jim Crow" was voiced by Rep. Abraham Kazen, Jr., of Laredo, during a debate on the question of segregated state parks.

Despite his opposition, the House passed by a 19 to 10, a Senate bill for the State Parks Board to segregate whites and Negroes.

The bill now goes to the Governor. It directs the board to set up parks for Negroes.

State parks now are open only to whites. This was basis of a suit brought recently by Tyler and Austin Negroes.

"I'm opposed to the principle of segregation," Kazen told the House. "This leaves the door open to be applied to other minority groups later on. It is a step in the wrong direction."

Kazen noted that Americans of all races and religions fought together in the war and he objected to separating them at home.

Ban On Segregation In State Park Fails

HOUSTON — (AP) — A three-judge Federal court declined today to take action on an injunction suit aimed at preventing alleged segregation and exclusion of Negroes from 36 state parks.

The special court advised the four Negro plaintiffs the case first should be tired in a state court.

The Negroes had filed a two-point injunction suit seeking to prevent the Texas State Parks Board from excluding Negroes from some parks and terminate segregation in others.

The suit originally was filed in Federal court in Austin, where Federal Judge Ben Rice, Jr., ordered a thre-judge court because the case involved a Federal ruling on a state statute.

U. S. State, counsel for the plaintiffs, argued Negroes had been excluded from parks both before and after passage of the new state statute.

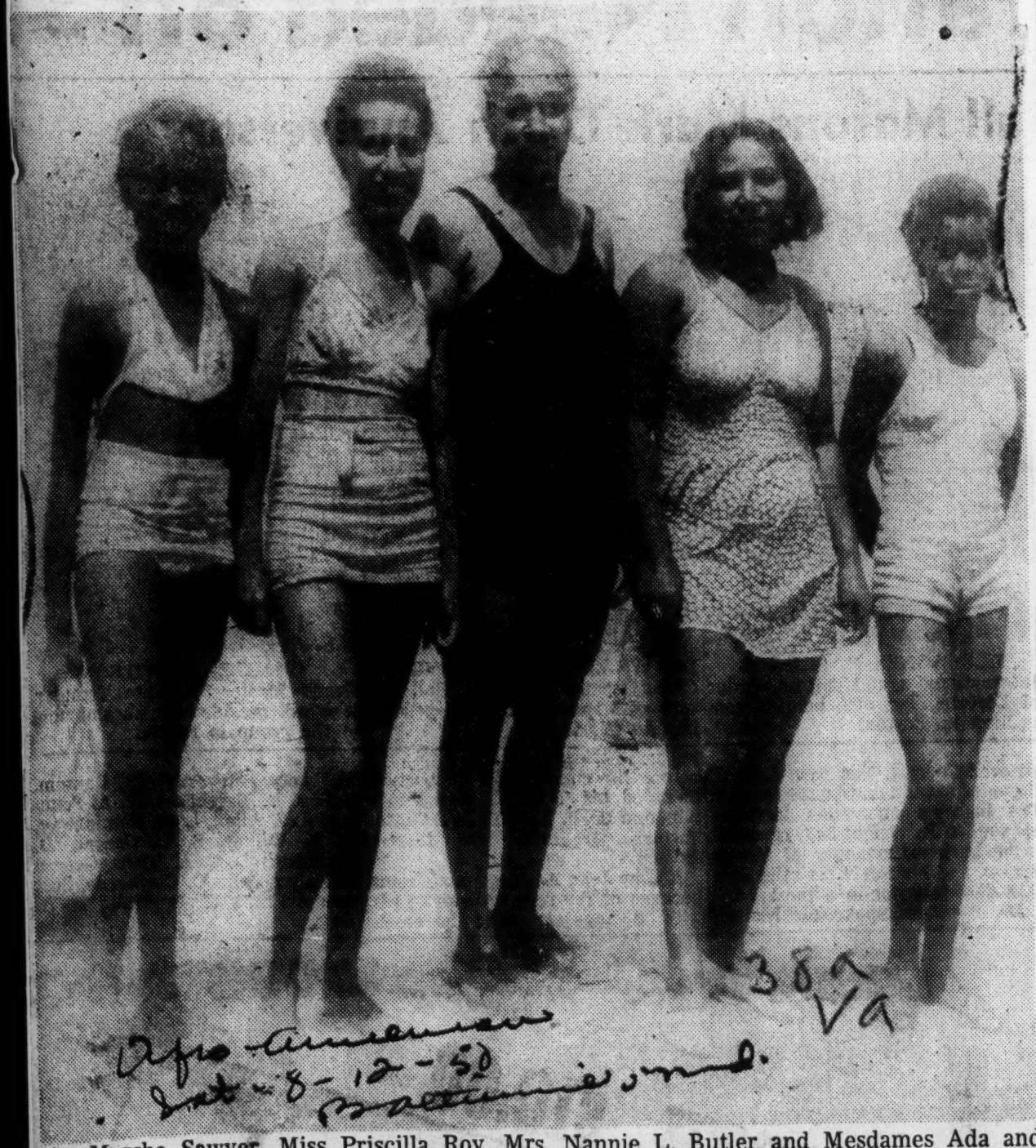
He also charged the statute is too broad and confers limited powers on the parks board, thus giving grounds on which a Fedral court could rule on the legality of the statute.

BRAVO, NEGRO MINISTERS

An item in The Informer not so long ago called attention to the fact that two Houston Negro ministers, the Rev. B. H. Roberts and the Rev. Wm. C. Johnson, chose to take the stairs to visit a patient in the city's Jefferson Davis Hospital rather than ride on a Jim Crow freight elevator to which they were assigned by an attendant. That is an example which Negroes should follow everywhere. There is entirely too much voluntary choice of segregation among us.

Another thing: Why are Jefferson Davis Hospital and institutions like it not in the same category as the question of segregation in the McLaurin case in Oklahoma? Having admitted Negroes to the Jefferson Davis Hospital and having not built an equal separate hospital for them, why will a suit not lie to enjoin the city from these disgraceful discriminations? It worked in the McLaurin case before the Supreme Court of the United States. It ought to work at Jefferson Davis.

They Broke the Old Colonial Beach Tradition



Miss Marsha Sawyer, Miss Priscilla Roy, Mrs. Nannie L. Butler and Mesdames Ada and Genolia Keys, members of party which swam at Colonial Beach for first time in history, pose for AFRO cameraman.

PROMISE NEW TESTS AT VIRGINIA BEACH

COLONIAL BEACH, Virginia — (NNPA) — Promises of new tests by colored persons of their right to use public bathing facilities and swim in the Potomac River here were made after a swimming party had been called off last Sunday following an interracial clash last Saturday.

The swimming party was postponed at the request of Mayor Norman F. Brewington. Martin A. Martin, an attorney, of Richmond, advised his clients to heed Mayor Brewington's plea, but Mr. Martin made it clear that the issue had not been abandoned.

"We will be back — maybe tomorrow, maybe the next day, surely within a week. We will swim at Colonial Beach."

The Mayor arrived at the town hall at 10:40 a. m. Soon Eugene Muse, who said he represented the group pressing for the right to enjoy beach facilities, walked into the building to talk with the Mayor.

Muse asked the Mayor to provide police protection for the swimming party. The Mayor said he told Muse he could expect the same police protection always provided in the community. Muse told reporters that his group, headed by Mrs. Nannie Butler, of Colonial Beach, would ask for State police protection.

After a meeting of the Mayor with the town council and Town Attorney George F. Mason, Brewington made this brief statement to reporters:

Council will provide all possible protection to the swimming party. It is our intention to maintain order in the community."

AVAILABLE OFFICERS

He explained that eight local police officers were available and he did not know how many State officers were in the vicinity.

Martin arrived at 12:15 p. m., accompanied by W. Lester Banks, executive secretary of the Virginia Branch of the National Association for the Advancement of Colored People and two other men from Richmond.

"Mayor Brewington," Martin said, "we are planning on going swimming at about one o'clock. I just thought I'd tell you. I understand there was disturbance after I left yesterday . . . and I hope nothing like that will be allowed to happen again."

Mayor Brewington made clear to Mr. Martin the council's stand that colored persons legally are entitled to use the beach.

"I am not telling them to go or not to go into the water," the Mayor said. "But you do not have to go swimming today. It is not necessary to force the issue immediately."

He pointed out that both white and colored people were "tremendously aroused" and suggested that, in time, the issue could be peaceably settled.

Martin left to talk wih his cliens. About 20 minutes later he returned and told the Mayor the swimming party had been postponed, "at least for today."

2 Beaches: Korea and Va.

While some of their relatives and friends were fighting to hold a beachhead in Korea, some 15 or more Virginians on Saturday found themselves surrounded by a mob of 500 whites who sought to drive them from the water front at Colonial Beach, Virginia.

Homefront hostilities, which ended with several minor casualties, grew out of the objection of whites to colored persons' using the beach hitherto regarded as for whites only.

The fact that tax monies of all Colonial Beach citizens, regardless of race, went toward upkeep of the beach, apparently did not register with these white Virginians until they were threatened with a suit in Federal District Court in Richmond charging that the town had not provided adequate swimming facilities for its colored citizens.

The town fathers in their answer were then quick to deny that any discrimination existed or had ever existed. Beach facilities had never been denied anyone because of race, they insisted.

In order to test the honesty and sincerity of this surprise reaction, colored citizens of Colonial Beach announced and went through with plans for an orderly swimming party on Saturday.

In fact, things had proceeded so smoothly that attorneys who had helped to arrange the outing, felt that the situation was well in hand and left the scene. Then the trouble began.

So, a matter that could have been settled easily out of court, now is slated for court action. What a pity that the brand of democracy that America is prescribing overseas isn't taken here at home by the patients most in need of it.

Should there be any great wonder, then, why the menace of Communism spreads such fear in the hearts of men? The real wonder is that it hasn't spread faster.

Stab Youth As Races

Clash At Va. Resort

BULLETIN

COLONIAL BEACH, Va.—Another Negro swimming party was called off here Sunday by Martin A. Martin in the interest of peace. However, he said another will be held in two or three days. Prior to his decision Sunday, Martin was told by Mayor Brewington and the town council he could take the choice of having bloodshed or a segregated beach. Martin said his group would never agree to segregation.

COLONIAL BEACH, Va.—A half-hour long fracas resulted in the stabbing of a white youth, the roughing up of a white newspaper man, the arrest of a Negro, the smashing of several press cameras and the blockading and stoning of automobiles owned by Negroes. All because Richmond Attorney Martin A. Martin had taken a party of 15 Negroes to swim at the beach.

The party was to test the general reaction to an anti-discrimination suit filed in Federal District Court several weeks ago. The action charged that the town had not provided adequate swimming facilities for Negroes. The officials replied that the beach had never been barred to Negroes.

Crowd Gathers

Nearly 500 white people gathered about the small Negro party and threatened to run them out of town and there were a number of fist fights. A Fredericksburg newspaper man, Frank Trippett, had tried to take pictures of the Negroes on the boardwalk and two white men knocked the camera from his hand then knocked him down and rubbed his face in the sand.

Sixteen State Troopers were rushed to assist the five local peace officers and 10 local residents who had been deputized. An Associated Press dispatch termed the swimming party "quiet and orderly."

Peaceful Party Attack Victims

Testing Court Rule On Use of Facility

DISORDER PLANNED

One Arrested, 2 Hurt in Fracas in Va.

BULLETIN

The second of two proposed swim parties at the local pier was called off Sunday because of fear of further violence.

By JOSEPHUS SIMPSON

COLONIAL BEACH, Va.—What started out to be a peaceful swimming party to test the sincerity of town officials on Saturday turned into a near riot when about 500 white hoodlums attacked the party of 15 bathers and a white photographer taking a photo of the colored bathers.

The fracas began shortly after Martin A. Martin, counsel for local citizens who had filed a discrimination suit against the town and its officials, had left for Richmond, feeling that the party had been a "success."

Accompanying Martin were W. Lester Banks, executive secretary of the State Conference of Branches, NAACP, and Scott L. Henderson, Richmond photographer assigned to cover the party for the AFRO-AMERICAN Newspapers. Both Banks and Martin went into the water.

Hoodlums Attack Reporter

The fight began after Frank G. Triplett, 24, white, reporter for a Fredericksburg paper, doubling as a photographer, was attacked by two white hoodlums as he attempted to take a picture of a group of colored persons on the boardwalk.

They knocked the camera from his hands, knocked him to the ground, then rubbed his face in the sand, Triplett said. William A. Moffett, also white, reported being hit on the head with a piece of iron pipe and having his camera case taken from him.

The battle began when some 300 to 350 white persons who had remained standing around watching the proceedings with mixed emotions rushed over to the spot where the photographer had been attacked and began a fist fight. Others joined in.

Whites Attacked Bathers

As the fight raged, some of the angry whites, apparently not knowing or caring how it all started, began to push around some of the colored bathers (there were a dozen or more in the water at the time) who had come out of the water and were standing on the pier.

Reports are that these people emerged from the water after a white man who said he was from Mount Ranier, Md., took it upon himself to "order them out of the water." In addition to those in the water, there were some 20 colored persons watching the swimming.

Both Casualties White

Major casualties of the battle were a 17-year-old youth, Alvin Tate, white, of Rollins Fork (about 14 miles from here), and Freddy Pugh, 22, of Orange (some 35 miles distant). Tate was stabbed in the side and Pugh suffered a superficial slash across his chest. Neither was hurt seriously.

Although the fight was started by whites, the only person arrested was Eugene Johnson, 26, of Colonial Beach, who was accused of stabbing Tate and suspected of having knifed the man from Orange. He denied the charges.

Johnson, not a member of the bathing party, said he got out his knife (ordinary penknife) to protect his aunt who was being "pushed around" (later knocked down) by some of the whites. He added, "Somebody hit me and I threw up my right hand, the one with the knife in it, but I don't think I cut anybody."

Investigator Goes Scot Free

Although the man from Mount Ranier, is reported to have admitted to Mayor Norman Brewington that his "order" to the colored bathers to "get out of the water" precipitated the battle, no action was taken against him.

In spite of that man's story, however, the AFRO is reliably informed that both incidents—the attack on the cameramen and the order to leave the water—came in quick succession, as if they were a part of an organized plan being put into execution.

A split second after the attack on the newsmen, according to the AFRO's informant, the Maryland white man, who had been standing nearby with a group of other white men, stepped forward and, in a loud, angry voice, ordered the colored bathers out of the water.

The fist fight, which at the time involved all whites, was raging and some of the whites rushed to the boardwalk. When the Marylander repeated his order and the bathers seemed reluctant to obey, a hoodlum in the crowd cried, "Let's go down there and get 'em out."

Sense Impending Danger

Sensing impending violence, the bathers began to leave the water and were set upon immediately by the white rioters. the whites, apparently not attempting to do any real damage, beginning to push them around, a small boy being slaped viciously by a white man.

It was then that the colored bathers began to fight back, that the battle began to take on an interracial aspect, the fight between whites being used as an excuse to intimidate the colored bathers and create an incident.

One Cleric's Car Damaged

Two colored ministers from Washington were identified with the test but did not swim. They were the Rev. W. H. Gibson, pastor of Glendale Baptist Church and the Rev. Lloyd N. Young, pastor of Greater Mount Pisgah Baptist Church.

The Rev. Mr. Young's car was one of those damaged.. As he was driving away with the Rev. Mr. Gibson, a white man threw a brick on top of the car, damaging it, and another kicked the rear fender, causing at least $25 damage, the Rev. Mr. Young said.

For a time, a Catholic priest seemed to be quieting the mob, but could not control it once the fighting broke out.

Interviewed by the AFRO after his return to Richmond, Mr. Martin said he would return here Sunday for another party. He quoted the Commonwealth's attorney as saying that Johnson was being held in "protective custody" and would be released "after this thing blows over."

One Motorist Arrested

Another man, W. H. Self, of Mountjoy, was arrested and posted $12 bail for his appearance in court Aug. 14 after he parked his auto in front of the volunteer fire department building next to the Town Hall. He was arrested by Sgt. J. T. Miller, chief of police.

Miller said nothing to Selt as he saw him sitting in his car in front of the fire department building, but proceeded to notify Mayor Brewington, who ordered the arrest.

It appears that the Saturday riot was a studied attempt, sparked by local business men, to make the beach so uncomfortable for colored citizens that they will fear to use the beach facilities ever though a Federal court rules they have a right to do so.

Cat Let Out of Bag

One white business man, pointing to the number of whites who had refused to enter the water because of the presence of the colored bathers, asserted that were these people permitted to use the beach regularly, thousands of white vacationists would spurn the beach.

He added that this would mean the loss of "hundreds" of thousands of dollars" to local business men, some of whom, he said, "have invested heavily" in business ventures here.

This man's views, as expressed in his conversation with a person whom he thought was "safe," adds credence to the report that the incident was inspired by business men.

Jim Crow Halts Negro Fishing In Virginia

RICHMOND, Va. —(ANP)— Negroes were halted from fishing in state parks last week because of Virginia's segregation laws.

Two Negroes recently were halted from fishing at Hungry Mother state park although they said they had often fished there before. Randolph Odell, state park commissioner, gave the following reason for the action.

"Because of the segregation law in the state we have to restrict the white parks for the use of whites and the Negro park for the use of Negroes."

An Intolerable Situation Exists In Public Parks Operated By The State

FEW more aggravated instances of discriminatory insult added to discriminatory injury have come to public attention in recent years than that occurring last week at the Seashore State Park on the Shore drive between Norfolk and Virginia Beach.

A group of young children from nearby Camp Handy, accompanied by the camp director and two women counsellors, went on a hike and crossed part of the park. They were accosted by a park guard, who ordered them out, brandished a pistol to enforce his demand, and topped the shocking performance by using before women and children the vilest kind of profanity.

That any Americans can be subjected to such threats and indignities in a public, state-supported facility is exactly the grist that the Russians want for their propaganda mill. Moreover, it is such experiences as these which wipe out the last vestige of strained patience which a long-suffering, underprivileged minority seeks faithfully to exercise in the hope that a decent citizenship status will be achieved by less "disturbing" means.

The tyrannical conduct of the park guard, coming on the heels of the barring of Negro city nurses from the State Park a few weeks ago, invites the only recourse that too often nowadays seems open to a victimized segment of our citizenry—an appeal to an appropriate court of justice for a declaration of constitutional rights. That is what this newspaper, on good authority, understands is under urgent consideration at this very moment.

Here on the seashore is a magnificent park of wondrous natural beauty, boasting camping sites, bridle paths, cottages, bathhouse, and other attractions, established and maintained with funds collected from all of Virginia's citizens but available only to a portion of them.

Then an aggregation of children innocently hikes thru the park, making no effort whatsoever otherwise to use the facilities contrary to the traditional for-whites-only pattern—and meets up with a brutish and uncalled-for eviction of a character unpleasantly like that of the Nazis with whom we so recently were at war.

To climax all this, the guard called Negro soldiers fighting and dying in Korea "just a d..... no good bunch." The first major victory achieved by our forces in Korea was achieved by Negro troops. Only on the past weekend, these same Negroes went out ahead of a battery of our tanks as patrols — an always risky and bloody assignment — and led the way for another major advance. The guard could have had the decency to omit such insults to men too far away and too busy fighting to reply.

Some years ago a makeshift "state park" was established in western Virginia for Negroes after a challenge was made of the systematic exclusion of Negroes from the numerous state parks in operation throughout the commonwealth. We doubt that even Virginia's courts, not to speak of the federal judiciary, will hold that equal provisions are provided all citizens when one group must go from every section of the state to one park, while the other group can select a park nearest them from the several available. Here in Tidewater Virginia we do not even have the fiction of separate but equal accommodations in the Seashore Park, nor in the smaller but beautifully developed one on the Military Highway near the Eastern Branch of the Elizabeth River.

A prompt report of the guard's conduct was forwarded by the JOURNAL and GUIDE to Governor BATTLE, with a request to take "such steps in the matter as you may deem necessary" and also a request for a clarification of official policy with respect to use of the state facility.

Remedial action is urgently called for. The continued exclusion of decent, tax-paying Virginians from a tax-supported park and their subjection to terrorization by guards must be halted.

(NOTE—Since the above editorial was written, the governor was quoted in Richmond news dispatches as saying he'd referred the matter to SIDNEY H. KELLUM, director of the State Department of Conservation and Parks.

Charged With Cutting

Youth, 26, Held For Jury After Va. Beach Riot

MONTROSS, Va. — Eugene Johnson, 26, of Colonial Beach, was bound over to the Westmoreland County grand jury on a charge of stabbing a white youth during an interracial disturbance at that Potomac river resort, Aug. 5.

The youth was bound over after a brief hearing before Trial Justice George Walker, during which Johnson admitted he had a knife in his hand, but denied that he cut anyone with it or struck anyone during the melee.

The stabbed youth, Alvin Tate 17, of nearby Nellins Fork, testified that Johnson struck him but said he didn't see the knife.

RESCUED AUNT

Johnson said he took the knife out of his pocket when he went to the rescue of his aunt, who was being mauled in the fracas.

The stabbing incident occurred after fifteen Negroes, led by representatives of the National Association for the Advancement of Colored People, went swimming at the "all-white" beach.

The swimming party was staged as a result of an anti-discrimination suit filed in Richmond in Federal District Court against officials of the town of Colonial Beach.

The nine Negroes named as plaintiffs said they were residents and taxpayers at Colonial Beach, but were denied access to the beach and other recreational facilities.

Epithets Hurled At Children

Second Colored Group Denied Park Admission

NORFOLK — A Seashore State Park guard brandished a pistol to chase a group of colored children off the grounds Tuesday of this week, according to a complaint filed with Governor John Battle.

The complaint to the governor was made in a letter from P. B. Young, publisher of the Journal and Guide. Governor Battle's office has announced that the letter has been referred to Sidney S. Kellum, director of the State Department of Conservation and Development.

End of insert

The guard reportedly also used frequent insulting epithets, in ordering off the grounds the children, a camp director, and two women counsellors from Camp Handy. The party had gone for a hike from the camp, which is about one and one-half miles east of Seaview Beach on the Shore drive.

Camp Handy was established and is maintained by the Norfolk Colored Union Mission, of which the Rev. J. A. Handy is director. It is located on land owned by the mission and is about a quarter mile from the Seashore State Park.

* * *

ACCOMPANYING the children on the hike were Camp Director James E. Williams and the counsellors, Misses Rachel E. Jones and Emma Copeland, both of whom also are teachers in the Norfolk school system.

Returning, they took a roadway through a part of the state owned and maintained park which lies on both sides of the Shore drive.

On reaching the highway three or four of the children crossed over and started to enter the park on the north side of the drive. The guard appeared and ordered them out. When he pulled his gun and began using vile epithets the children ran, some of them darting to safety across the heavily traveled Shore drive.

A discussion followed between the guard and the camp officials, who stated they were unaware it was "unlawful" for the children to hike through the park reservation.

THE GUARD replied, they reported, that there is a state park for colored near Farmville, Va., and that they should go there and hike. Farmville is about 200 miles northwest of Norfolk.

Mr. Williams reminded the guard that there were colored boys giving their lives for this country over in Korea, and said he thought the line was being drawn rather hard. The guard is quoted by the camp officials as replying that "none of these 'n——r' soldiers are any good" and that "all the n'——s' ought to be sent back to Africa."

The director and the counsellors told the Guide that the guard then ordered them to "get those black s—— of b——s out of here." When the group hesitated according to Mr. Williams and Misses Jones and Copeland, the guard drew his gun.

* * *

MISS COPELAND states that she remonstrated with the guard about drawing a gun on the children, and in turn was called a "black b——" by the guard.

Camp Handy is located on a

tract of about 200 acres acquired several years ago by Seaview Colored Beach Corporation. The camp site was purchased from the Seaview Corporation by the Colored Union Mission.

This is the third year the camp has been conducted on the site. During the first year, Dr. Handy states, hoodlums broke out 126 window panes in the dormitories and mess hall, and destroyed a cooking stove that cost $75.

This is the second recent incident in which Negroes have been denied access to Seashore State Park. Colored city nurses in a caravan going to the park for the City Health Department outing two or three weeks ago were likewise refused admission.

Crosses Burned At Beach, NAACP Lawyer Threatened

Special to Journal and Guide

RICHMOND, Va.—Two crosses were burned last week in Colonial Beach, Va., where the NAACP is seeking to gain equal swimming rights for its colored residents.

And on Saturday, Martin A. Martin, Richmond attorney for the group, revealed that he had received "four or five" threats since the campaign began. He added that he had obtained a permit to carry a weapon and had already bought one.

The town of 15,000 was the scene of an interracial brawl involving several hundred spectators two weeks ago when a colored group headed by Mr. Martin engaged in a swimming party at the beach.

* * *

A BURNING CROSS bearing the initials KKK was reported to have been found in the color**tin and his group held a swim**ed section of Colonial Beach o Tuesday. A similar cross wa reportedly burned in front of colored church.

According to Mr. Martin, threatening letters started coming in soon after he filed the anti-segregation suit in July.

The lawyer also indicated o Saturday that his group ha dropped plans for further swim ming parties and would leav the controversy up to the courts

THE SUIT ASKED the cour to forbid the Potoma Rive town from discriminatin against Negroes in the use o beach facilities.

The town answered that ther was not, and never had been discrimination at the beach.

ming party at the beach on August 5 which resulted in the brawl. Two men were cut, one jailed, and two newsmen roughed up.

At first the Martin group promised to return for another swimming party the following week. These plans were later cancelled.

DURING THE meeting on Thursday night the Colonial Beach Town Council stood firm on its previous contention that there was no discrimination on the public beach.

According to Mayor Norman Brewington, Colonial Beach faces two possible choices: (1) to either establish a separate bathing place for Negroes, opposed by town sentiment, or (2) "actual bloodshed' 'if Negroes persist in using the public beach.

Lawyers Baffled by New Court Rule Keeping Them Separated Racially

By NAT TURNER

RICHMOND

James Crow took over another area in police court this week when he propped himself up on tables reserved for lawyers and decreed that henceforth colored attorneys shall sit on the left and whites on the right side of the room.

Although Justice Carleton E. Jewett, who presides over police court, has always insisted upon rigid racial discrimination between witnesses, spectators and others in the courtroom, he had never sought to prescribe the liberties of attorneys.

Previous Situation

Previous to this week, attorneys have not been molested if they sat at the tables on either side of the room, but it is known that a number of white lawyers have been requested this week to remove themselves from the "colored" to the "white" side of the room.

Apparently, the court became convinced that it is not good Southern practice to permit a colored person, even though he be a lawyer and an officer of the court, to seat himself in front of white people, even in what is supposed to be a court of justice.

Indications are that that is the basic reason behind the new "order" — revealed to be a sort of "gentlemen's agreement" between the justice and the white lawyers. Only one colored lawyer has shown continual disregard for the "sacred" jim crow pattern of the court.

One Lawyer "Offender"

That attorney, who will go nameless for the present, often seats himself on the so-called white side of the table reserved for lawyers, with white spectators, witnesses and defendants behind him.

Asked about the order by the AFRO editor, Justice Jewett denied emphatically that he had issued such an order.

He added that he "does not go around looking for trouble," but that if "I meet a tiger in the street and know it's a question of the tiger or me, I'll fight to see that the tiger goes down, not me."

In spite of Justice Jewett's denial, it is a fact that a certain young white attorney was ordered by a bailiff to move from the "colored table." He moved back into the seats, away from the table, still on the "colored side," and then was told to move to the "white side."

Jewett Tips His Hand

Justice Jewett tipped his hand on Monday when he jokingly asked a well-known lawyer how many times he would have to tell him to move. Then, shaking his gavel at him, inquired whether he would have to hit him on the side of the head with it to make him understand. The lawyer moved to the "white" side.

(Justice Jewett is quoted in a reliable source as saying that it appeared inconsistent to permit colored and white lawyers to sit all mixed up or sit on the wrong side of the courtroom when witnesses, policemen and others were segregated, especially in view of Judge Doubles's recent decision.)

Practically all of the attorneys know about the rule now and are obeying it without audible protest — so those in court on Tuesday expected fireworks when Howard H. Carwile, white, associated with a colored lawyer in a case there, took a seat at the "colored" table.

Although the white lawyers (eight in all) — all huddled on the white side of the courtroom — waited with bated breath, nothing happened; the bailiff did not ask Carwile to move, but the case in which he and Martin A. Martin were interested, was called in short order.

All Three Well Known

Carwile has a reputation for being a "crusading" attorney, a bitter foe of jim-crowism, segregation and discrimination. Other attorneys at the table were Martin and Roland D. Ealey, also a member of the NAACP legal staff.

Beecher S. Stallard, one of the white attorneys present at the time, denied all knowledge of the new order when asked about it by the AFRO. "I haven't heard a thing about it," he said. Asked what he thought of such an order, he said he would have to "learn if it's true."

Other attorneys are discussing the "agreement" pro and con, many expressing themselves privately as seeing no "sense" in such an order.

Sunday Star Washington, D.C. Jun. 8-6-50

FIGURE IN COLONIAL BEACH DISPUTE—Four of the colored leaders who appeared on the beach at Colonial Beach, Va., before a fight broke out are (left to right) the Rev. W. H. Gibson, pastor of Glendale Baptist Church, Washington; W. Lester Banks, executive secretary for the Virginia branch, National Association for the Advancement of Colored People; Mrs. Naomi L. Butler, financial secretary of the Citizens' Co-operative League of Colonial Beach, and Martin A. Martin, Richmond, counsel for the NAACP.
—W. A. Moffatt Photo.

Melee Results as Negroes Test Right to Swim at Colonial Beach

Sunday Star Jun. 8-6-50

Several Hurt, Man Held in Stabbing; Crowd Seizes Photographers' Equipment

Washington, D.C.

By J. L. Michael,
Special Correspondent of The Star

COLONIAL BEACH, Va., Aug. 5.—State police took steps tonight to prevent a recurrence of fighting that broke out here today when a group of Negroes swam at a beach previously used only by whites.

Several persons were injured, none seriously, as fists, knives, tire irons and pipe flew in a crowd of about 200 combatants, and one man was jailed.

Hundreds of other residents and visitors at this Potomac River resort were attracted to the waterfront when the colored bathers swam at a spot used only by white persons for 70 years.

Numbering about 15, the colored bathers were testing earlier complaints that the community of 3,000 had discriminated against their race, a point that has been denied by town officials.

Five town policemen had established order and sent the colored swimmers away in automobiles before four carloads of State Police raced to the scene.

Before the Negroes could drive away, however, the angry mob smashed windshields with rocks, kicked in fenders and warned them not to return.

Cars of other colored people, arriving to see what the fight was about, also were stoned, as was a busload of about 20 Negroes. White men dared the passengers to come out, but the bus turned around and left.

The detachment of 15 State police from Richmond, under the command of Capt. R. C. Barham, immediately went into conference with town officials at the Town Hall, while hundreds of people milled around outside. For a time, tension was high, but as time wore on the crowd became more relaxed.

Spurred by word that some Colonial Beach Negroes expected to renew the "test" tomorrow, Capt. Barham said a "strong force" of State Police, adequate to cope with any contingency, would be detailed to the beach.

The Town Council also was expected to explore the situation at a meeting at 10 a.m. tomorrow.

Children Told to Leave.

The fighting broke out shortly before 3 p.m., when a Washington man told two colored children to leave the beach.

Other persons began gathering about 50 yards from the water, waiting for the swimmers to emerge. When the fighting broke out, an estimated 300 to 400 white persons hurried to the boardwalk.

Alvin Tate, 17-year-old farmboy from nearby Rollins Fork, was stabbed in the chest with a penknife. Police arrested Eugene Johnson, colored, of Colonial Beach, and after jailing him for protective reasons, placed an assault charge against him.

Identified as Assailant.

Town Policeman A. L. Meade said the Tate youth identified Johnson as his assailant. Dr. Fred C. Collier said the 4-inch-deep knife wound cut an artery, causing the loss of considerable blood, but that Tate's condition was satisfactory.

Dr. Collier also treated Freddie Pugh, 22, of Orange, Va., for a superficial cut on the chest and two unidentified white men for bruises, one inflicted by a woman's pocketbook and the other by a fist.

Others were knocked down and bruised in the fracas. Tate told police he saw a Negro woman hit a white man with her pocketbook. He said a Negro man then attacked the white man, he (Tate) attacked the Negro, and another Negro jumped on him.

Frank Trippett, a reporter-photographer for the Fredericksburg Free-Lance Star, was knocked from a table where he was focussing his camera on the crowd. He said two white men attacked him and knocked the camera out of his hand, then knocked him down and rubbed his face in the sand.

Unable to Retrieve Camera.

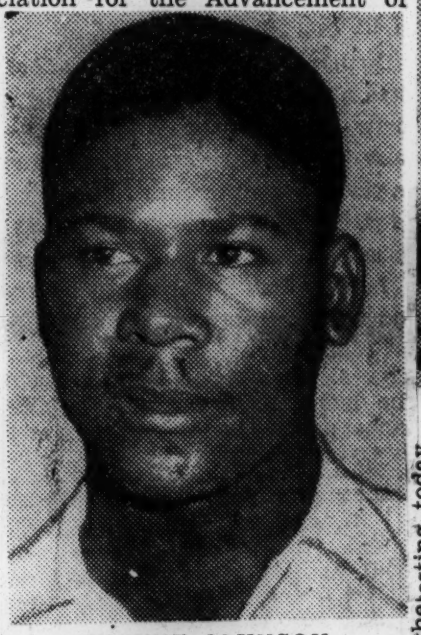
Someone else grabbed his camera and he failed to retrieve it.

Another photographer, William A. Moffat, III, of Waldorf, Md., who does free-lance work for The Star and other papers, was struck on the head with a pipe. His camera equipment case was wrested from him.

The fight was broken up when Town Sergt. J. T. Miller and four other policemen walked into the group and took away the Negroes.

The newsmen and photographers took refuge at the town hall, where two police stood guard outside while State police talked with Mayor Norman F. Brewington, Police Chief J. T. Miller and other officials.

Swimming by the Negroes was not unexpected, since Martin A. Martin, colored, of Richmond, an attorney for the National Association for the Advancement of Colored People, had said a test would be made.



EUGENE JOHNSON.
Charged with Assault.
—Star Staff Photo.

Lead Group Into Water.

About 1 p.m. Mr. Martin and another NAACP representative, W. Lester Banks, colored, led a half-dozen Colonial Beach Negroes into the water. They stayed there awhile without incident, and later were joined by others, some from Richmond.

The Washington colored ministers were identified with the test but did not swim. They were the Rev. W. H. Gibson, pastor of the Glendale Baptist Church, 4504 Gault place N.E., and the Rev. Lloyd N. Young, 519 Tennessee avenue N.E., pastor of the Greater Mount Pisgah Baptist Church.

Mr. Young's car was one of those damaged. As he was driving away with Mr. Gibson and others, a white man threw a brick on top of the car, damaging it, and another kicked the rear fenders, causing at least $25 damage, Mr. Young said.

Mr. Banks said the group had planned to be in the water only a short time today, and return tomorrow.

Priest Tries To Quiet Crowd.

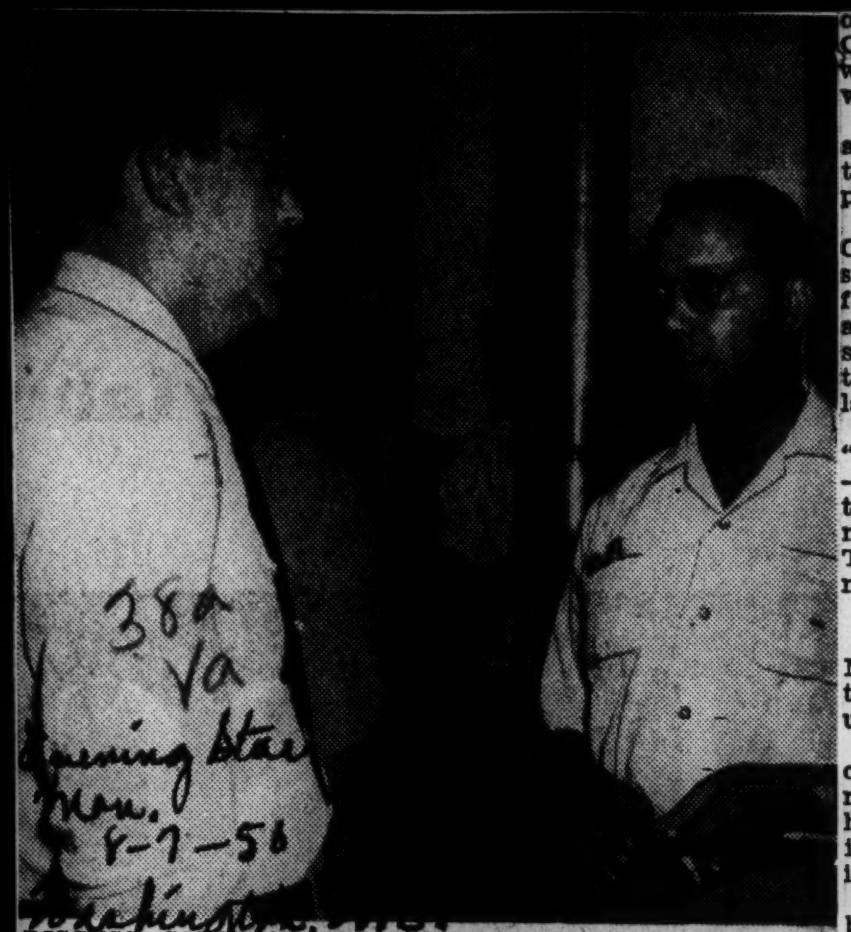
One report said Mr. Martin and his group had left the water before the fight broke out.

There was no disturbance until they intended fighting the suit on the Negroes had actually left the water. For a time, a Catholic priest seemed to be quieting the crowd while it was wrangling, but could not control it once the fighting began.

Last month a lawsuit was filed in Richmond Federal Court charging Colonial Beach officials with discriminating against Negroes in providing bathing facilities.

The officials in turn insisted that Negroes now have equal privileges at the beach and announced that the suit that the Negroes were testing today

W. A. MOFFATT, III.
Hit on Head With Pipe.



DISCUSS COLONIAL BEACH PROBLEM—Mayor Norman F. Brewington gets assurance from Martin A. Martin, Richmond attorney, that colored swimmers would not use Colonial Beach yesterday after disorders Saturday. However, Mr. Martin said the resort may expect other tests later of the right of Negroes to swim there. —Star Staff Photo.

Negro Leaders Promise New Test at Beach

Second Swim Party Called Off to Avoid Further Trouble

By J. L. Michael
Special Star Correspondent

COLONIAL BEACH, Va., Aug. 7.—Promises of new tests by Negroes of equal swimming rights lent an air of suspense today to this Potomac River resort, where fighting broke out Saturday.

Yesterday, in an atmosphere of mounting tension, colored leaders called off a second swimming party at the request of Mayor Norman F. Brewington.

The issue was made clear cut however, when Attorney Martin A. Martin, colored, of Richmond asserted:

"We will be back—maybe tomorrow, maybe the next day, surely within a week. We will swim at Colonial Beach."

One Man Arrested.

Saturday's fighting among 200 whites and Negroes began after Mr. Martin had led a group into the water and out, without incident. It was when other colored bathers emerged that the melee began, resulting in two minor stabbings to white persons, an attack on two newspaper photographers and their equipment, and a general mauling of combatants.

Police arrested one man, Eugene Johnson, colored, of Colonial Beach. Charged with stabbing, he was removed to Westmoreland County Jail at Montross for safekeeping, but later released on $500 bond.

A less-than-usual Sunday crowd of 3,000 was on the beach yesterday while Mayor Brewington conferred with the town council. Town people said many regular visitors stayed away, and that many others on hand Saturday had driven home.

Won't Set Aside Section.

Most of the 16 State policemen called in Saturday were not evident yesterday, but four remained outside the Town Hall with Sheriff Charles V. English and a deputy while the conferences were under way.

Mr. Martin told the Mayor that a group of Negroes were preparing to swim at 1 p.m. and asked for police protection.

Mr. Brewington said the Town Council's special session had studied requests by Negro leaders for "adequate" police protection and an allocation of a certain section of the beach. He said town sentiment was against the latter proposal.

The council decided to provide "all the protection we now have —then leave it up to the officers to maintain order in the community," Mr. Brewington added. The town has a police force of nine, one of whom is on sick leave.

Suit Before Federal Court.

Mr. Brewington made clear to Mr. Martin the council's stand that Negroes legally are entitled to use the beach.

"I am not telling them to go or not to go into the water," the mayor said. "But you do not have to go swimming today. It is not necessary to force the issue immediately."

He pointed out that people of both races were "tremendously aroused" and suggested that, in time, the issued could be peaceably settled.

Saturday's' test rose from a request about a year ago that a section of the beach be set aside for Negroes. The town did not act and Negroes sued in Federal District Court, Richmond, charging discrimination.

The town answered with a denial that Negroes had been deprived of the use of the beach. Saturday's appearance by the colored swimmers was to test that statement.

Council to Discuss Colonial Beach Use

By the Associated Press

COLONIAL BEACH, Va., Aug. 10.—Negro use of this resort center's traditionally "white only" waterfront will be discussed tonight at a meeting of the Colonial Beach town council.

Mayor Norman F. Brewington disclosed yesterday he has asked local residents to let councilmen know how they feel about the Negro question for a discussion at the regular session tonight.

Town officials have been sued by nine Negro citizens who charge that they don't have adequate beach facilities. In answer, town authorities have said Negroes are not denied used of the local beaches.

To test this reply, Negro swimming parties were scheduled last Saturday and Sunday by the complainants in conjunction with their attorney, Martin A. Martin.

The first party Saturday resulted in a 30-minute inter-racial demonstration in which fists flew and two men were injured. A second party on Sunday was called off when Mr. Brewington said it might lead to "bloodshed."

Mr. Martin announced at that time that the Negroes would be back. He said he did not plan to notify town officials in advance of the next planned swimming party.

Colonial Beach Man Indicted in Stabbing

By the Associated Press

MONTROSS, Va., Aug. 29.—A 27-year-old colored man will go on trial here September 12 on a charge of stabbing a white youth during the August 5 inter-racial flareup at Colonial Beach.

Eugene Johnson of Colonial Beach, was indicted yesterday after two witnesses testified before a Westmoreland County Circuit Court grand jury made up of four white men and one colored man.

The witnesses were Alvin Tate, 17-year-old Rollins Ford youth who was stabbed in the beach disturbance, and Richard D. Fritter, Colonial Beach policeman who arrested Johnson.

Tate was stabbed during an outburst of violence which followed a colored swimming party at the Potomac River resort center's traditionally "white only" beach.

Negro residents staged the test swim after town officials replied to a discrimination suit filed against them by the Negroes that no persons were denied the use of the town's waterfront.

Colonial Beach Council Decides Not to Interfere

Officials Reaffirm Negroes Are Not Barred From Bathing

By J. L. Michael
Star Staff Correspondent

COLONIAL BEACH, Va., Aug. 11.—Town officials have decided to continue a policy of non-interference with Negro swimmers. The decision was announced last night at a council meeting attended by about 60 persons in the Town Hall.

No one replied when Mayor Norman F. Brewington invited the crowd to comment on the race problem.

At the edge of a Negro settlement at the northern end of town, the letters K.K.K. were painted on the main highway and a white line in the center of the street roughly separated white and Negro sections.

Reporters for the Fredericksburg Free Lance Star said they saw the charred remains of a cross burned here Tuesday night near the Negro Baptist Church.

Gunshots Reported Heard.

A man living in the Negro neighborhood (who asked that his name not be used) told the reporters that he heard several gunshots fired in the street at about 1:30 a.m. and saw a cross, about five feet high, burn. He said three carloads of men pulled away from the scene. The man said another cross was burned the same night in a ball park near the Negro section of town.

Residents speculated on the possibility that teen-agers may have burned the crosses. There was a rumor here that persons wearing white sheets burned the crosses, but this could not be verified.

Police Chief Joseph Miller declined to comment on the incidents.

Councilman John E. Mayo summed up the official view of the situation at a meeting which was the last of the present council. A new set of town officials, elected a few weeks ago, will take office September 1. Earlier in the evening the council decided its course in an executive session which was attended by a former State Senator, C. O'Conor Goolrick, the town's special attorney.

Reviewing the year-old dispute, Mr. Mayo said the council had considered the request of local Negro taxpayers for the use of a separate section of the municipal beach, but had been unable to find a suitable location. He said it later was decided that to set aside a portion of the beach for Negroes would amount to discrimination in their favor since the town had never adopted a segregation ordinance.

Nine Colonial Beach Negroes filed suit in Richmond Federal Court recently charging discrimination. The town replied there was no legal bar to use of the beach by Negroes. Saturday's swimming party followed as a test. A second test, scheduled for Sunday, was called off when Mayor Brewington said that if Negroes appeared on the beach again he feared there would be bloodshed.

Wide Negro-White Backing For End to Jimcrow Laws

RICHMOND, Va.—A variety of groups throughout the state have already gone on record as supporting the end of segregation laws on public transportation and public assemblies. This question will be brought before the Virginia General Assembly for action during the present session which convened Jan. 11. Although bills have not yet been introduced in the present Legislature, Armistead Boothe of Alexandria has stated that he will do so in time for action. The proposed Boothe bills are limited to simple repeal without any enforcement.

The Communist Party of Virginia has declared in a Legislative program that in addition to repeal of the present segregation in all fields, transportation, assemblies, health, education, employment, etc., it will be absolutely necessary to enact a law which makes any segregation a crime, punishable by jail and fines.

The limited Boothe plan has already been endorsed by church groups, prominent liberals, sections of labor, Negro organizations, and civic groups and organizations. Only this week, the Virginia Council of Churches at its annual meeting, comoosed of representatives of 15 Protestant denominations, Negro and white, approved the end of segregation.

(The same annual meeting of the Virginia Council of Churches also opposed the appointment of any person to replace Myron Taylor as envoy to the Vatican in Rome.)

MANY ORGANIZATIONS throughout the state are already circulating petitions to be presented to the Virginia General Assembly when the anti-segregation bills are presented. Leaders of many organizations have urged the mass circulation of these petitions to show that the people of Virginia want the segregation outrage outlawed.

Whether the General Assembly takes any action will depend upon the amount of public opinion that is aroused, the number of petitions collected, the number of protests and resolutions demanding action of the legislators.

27 Fredericksburg Graduates Stage Protest at White Center

FREDERICKBURG, Va.—Twenty-seven graduates of the Walker-Grant High School, wearing caps and gowns, marched from the Youth Canteen to the front entrance of the white community center here on June 6 and staged a brief and orderly protest demonstration. They had been denied use of the front entrance to the white center for their graduation exercises.

City Councilmen approved a request of the Walker-Grant Parent-Teacher Association for use of the center auditorium but subsequently voted that the Walker-Grant pupils would have to use the side entrance. The demonstrators carried placards which read, "This entrance closed to us," sang, prayed and heard a short talk.

After the demonstration, they marched to the Shiloh Baptist Church for their graduation. They heard Dr. Phillip Wyatt, dentist, declare that they were 'learning at the outset that life is filled with problems which we will settle in an orderly and intelligent way."

Fights Break Out As Negroes Test 'Right to Swim'

COLONIAL BEACH, Va.—(U.P.)—Fights broke out today at this traditionally white beach when a group of Negroes staged a swimming party to test their right to swim without discrimination.

Police said one white youth was knifed but was not seriously hurt. The Negro was hustled off to jail and officers said he was not one of the bathers.

Police declined to identify the Negro arrested. They said he probably would be charged with felonious wounding and disturbing the peace. He was held here.

Frank Trippett, photographer for the Fredericksburg Free-Lance Star, said he was attacked by two white men as he tried to photograph a group of Negroes on the board walk. Trippett said he was knocked down and his face was pushed into the sand.

His camera was knocked from his hands.

One Negro woman was shoved off the boardwalk by a white man and several fist fights broke out between whites and Negroes.

The Negroes in the swimming party had left before the actual fist-swinging began. They swam for about two hours, some 200 yards from the municipal pier.

Officers said the scuffles were with Negroes who had been watching the swimming.

There was no immediate indication as to who started the fist scuffle.

Negroes Enjoy Equality of Opportunity To Great Degree in Virginia, Says Boothe

Virginia, because of its geographical position and its history, and because its residents come from so many sections of the country, can offer leadership in race relations which no other State can match, Armistead L. Boothe, of Alexandria, declared here yesterday.

Speaking at Fifth Street Baptist Church, 705 North Fifth St., under sponsorship of the Leigh Street YMCA Forum Committee, he urged his Negro audience to work for "moderate progress to promote mutual understanding" in Virginia.

Boothe, a member of the House of Delegates, sponsored bills in the 1950 General Assembly which would have abolished segregation in public ransportation. The House Committee on Courts of Justice killed the bills by a vote of 9 to 7.

Boothe said that Negroes enjoy more rights in Virginia than in any other Southern State and, in some instances, have more protection than they have in Northern States.

He said he recalled that a survey made some 25 years ago showed that peonage existed in the lumber camps of Maine to a greater degreet han it existed anywhere else. Boothe added that peonage does not exist in Virginia.

"Negroes in Virginia enjoy the rights of citizenship in general," he said. "While there is the poll tax, it affects whites just as much as it does Negroes. I know of no general discrimination against Negroes in voting in Virginia."

Equality of opportunity for Negroes exists to a great degree in Virginia, Boothe said. He cited the Negro schools which have Negro teachers and said that he wrote to New England States last Fall in an effort to learn how many Negro teachers they employ, but said he didn't get a single reply.

Negroes get fair trials in the courts of Virginia, Boothe said, and have the same guarantee of "safety and security of person" as whites. Negroes serve on grand juries and trial juries generally in the State, he continued.

Boothe cited the case of a Negro who appealed to the Virginia Supreme Court of Appeals in 1884 on the ground that he had been tried by an all-Negro jury. The defendant claimed he had been discriminated against because no white men were on the panel, Boothe related, but the State's highest court upheld his conviction and denied him a new trial.

Boothe termed Virginia's antilynch law "a model." No lynching has taken place in Virginia since the law was adopted while Harry F. Byrd was Governor, Boothe pointed out. He called attention to the death of a Dartmouth College student last year in which five other students were involved, but none was convicted because the State was unable to say which did the slaying.

"Under Virginia's antilynch law," Boothe said, "all five could have been convicted and it would not have been necessary to prove which one of the defendants did the actual killing."

If Virginia's leadership conducts itself wisely it can have "real significance not only in this country but abroad as well, where democracy is on trial," the Delegate said. He predicted that Virginia, "the cradle of democracy," is the place in this country in which "democracy will have its finest flowering."

Segregated Water

Not long ago my husband and I, with our small son and a friend, went by car on a trip to Virginia. In our hurry to get away we neglected to include our thermos jug of water. As soon as we were out of the city limits, our little boy, in the way of children, began to ask for water. Not one store would let us have any. We could not buy it. We were refused everywhere—at farm houses as well as stores. In the meantime the child was getting hotter and thirstier, just cried, "Water, mommie, water." Finally, I took him in my arms and begged a drink of a farm woman, herself surrounded with her own brood. She pointed to a pump, and while I pumped, my husband held his hands for the child to drink.

That child will grow up to fight to take the democratic way of life to other brown skinned peoples—even though he cannot sit down to an ordinary meal in an ordinary public city eating place in the capital city of the greatest democracy in the world. COLORED MOTHER.
Washington.

Negroes, Whites Clash On Beach In Virginia

COLONIAL BEACH, VA., Aug. 5—(U.P.)—Fights broke out Saturday at this traditionally White Beach when a group of Negroes staged a swimming party to test their right to swim without discrimination. Police said one white youth was knifed but was not seriously hurt. The Negro was hustled off to jail and officers said he was not one of the bathers. Town authorities quickly deputized a volunteer rescue squad to patrol the beach for further outbreaks of violence. The Negroes plan to hold another swimming party Sunday.

9 Citizens File Suit Against Town

Plaintiffs Charge Violation Of U. S. Constitution

RICHMOND — Nine colored residents of Colonial Beach have filed suit in Federal District Court here to enjoin the town from discriminating against them in the use of public bathing and other recreational facilities.

The suit was brought in behalf of all the Negro residents of the town. Colonial Beach Mayor Norman Brewington is named as a defendant. The plaintiffs ask the court to enter a declaratory judgement holding as unconstitutional the town's alleged policy of failing to provide Negroes with equal beach facilities and refusing to give them access to beaches set aside for whites.

It was reported that the suit was apparently filed after a series of conferences in which Negro citizens had asked the town to reverse its policy of excluding members of their race from its public waterfront areas.

CHARGING THAT COLONIAL Beach maintains its bathing beaches and other recreational facilities "by public funds raised by taxes levied on the property of and paid by the plaintiffs and other citizens of the town . . . ," the petitioners contended that the town maintains its public recreational facilities solely for the use of white residents and has failed and refused to provide any accommodations for the use of Negro citizens or to allow them access to these publicly maintained recreational facilities.

The suit further charges that Colonial Beach is violating the Fourteenth Amendment of the United States Constitution and the Constitution and laws of the State of Virginia in its policy of furnishing beaches, wharves, bath houses and boating facilities for whites and not for Negroes.

The town and Mayor Brewington have 20 days to answer the complaint. Mayor Brewington said that the town "would be prepared to defend the suit in Federal Court if the council voted to do so."

* * *

THE COMPLAINT IS similar to the one filed in the same court on July 9, 1948, against the State Department of Conservation and Development. This suit charged that Negroes were discriminated against in that there were seven parks for whites and one for Negroes with no overnight accommodations.

The department which operates the state's public parks denied the discrimination charge, saying that it tried to provide parks in proportion to expressed demand. It also claimed that it was unable to meet the full demands of either race. This case was never tried and has not been dismissed. A new park for Negroes was built at Prince Edward Lake, five miles south of Burkeville.

The suit against Colonial Beach was filed by: Joseph Johnson, Joseph Dudley, Percy Satchel, Irvin Waters, Philip Brown, Asbury Maddox, Mrs. Lulu Pierce Mrs. Beatrice Johnson, and Mrs. Nannie L. Butler.

Colonial Beach Negroes Sue To End Curbs

Richmond, Va., July 7 (AP)—Negro residents of Colonial Beach asked the Federal District Court here today to enjoin the town from discriminating against them in the use of public beaches and bathing facilities there.

The plaintiffs, in a class suit brought against the town and Mayor Norman Brewington, also asked, the

The court enter a declaratory judgment holding as unconstitutional the town's alleged policy of failing to provide Negroes with equal beach facilities and refusing to give them access to beaches set aside for whites.

Filing of the suit apparently marked the end of a series of conferences in which Negro citizens had asked the Potomac River town to reverse its policy of excluding members of their race from its public waterfront recreation areas.

The plaintiffs charged that Colonial Beach maintains its bathing beaches and other recreational facilities "by public funds raised by taxes levied on the property of and paid by the plaintiffs and other citizens of the town . . ."

The town and its mayor have 20 days to answer the complaint.

Fists Fly at Virginia Swim Test

(Special to The Courier)

COLONIAL BEACH, Va. — Two white youths were treated for minor knife wounds and a young Negro was arrested last Friday afternoon as a group of fifteen Negroes staged a "test" swimming party at this Potomac River beach resort.

A white news photographer, William A. Moffat III, especially hired for the assignment by The Pittsburgh Courier, had his camera broken by the crowd and was hit on the head with a lead pipe by an unidentified person in the brief flare-up that followed attempts of Negroes to use facilities of this traditionally white resort.

The fracas, which lasted about fifteen or twenty minutes, was set off when Frank Trippett, Fredericksburg (Va.) white newsman, attempted to take pictures of a group of Negroes on the boardwalk after the swimming party.

There was no demonstration or disorderliness while the Negroes were swimming. However Trippett said when he attempted to take pictures after the swimming party had been concluded he was suddenly assaulted by two white men who knocked the camera from his hand, then knocked him down and rubbed his face in the sand.

That unfortunate and thoughtless incident set off a flare of keyed-up tempers which mistakenly figured a "race riot" was on. In a matter of minutes between 300 and 400 white persons were on the scene and blows were exchanged between whites and Negroes.

The swimming party was planned by Martin A. Martin, Richmond NAACP attorney, to test the town's reaction to an anti-discrimination suit filed in Federal District Court in Richmond several weeks ago charging the town had failed to provide adequate swimming facilities for Negroes.

Town officials answered the suit with a statement that beach facilities had never been denied Negroes.

Things were going along fine before the fighting and Attorney Martin had left for Richmond convinced the test swimming party had been a success.

In a statement to The Courier after he had been informed of the fighting, Martin, of course, was sorry it happened, but still termed the party "an unqualified success" and said the whites had displayed a "very congenial" attitude toward the Negroes.

Eugene Johnson, Colonial Beach Negro, was arrested and held without charge. Police did not indicate he was being held as a result of the stabbings.

At the height of the outbreak men in the crowd hurled threats at the Negro party and stoned cars belonging to others who had arrived to see what the commotion was all about.

A bus load of about twenty Negroes arrived and white men in the assembled crowd dared them to come out. After the bus had been stoned it turned around and left the resort center.

Some 100 to 200 white persons congregated in front of the Town Hall for about two hours while the bus load and several carloads of Negroes toured the beach front.

Five town policemen established order and sent the Negroes away before four carloads of State Police raced to the scene.

For a time a Catholic Priest seemed to be quieting the crowd while it was wrangling but could not control it once the fighting began.

Other Virginia and Washington Negro leaders who led the swimming test were the Rev. W. H. Gibson, pastor of Glendale Baptist Church, Washington; W. Lester Banks, executive secretary for the Virginia NAACP State Council, and Mrs. Naomi L. Butler, financial secretary of the Citizens' Co-Operative League of Colonial Beach.

Sixteen State Troopers and Mayor Brewington were in conference in Town Hall, less than a block away, when the fight started. The sixteen Troopers joined six beach policemen in quelling the riot. More than five hundred whites, who had been milling in front of Town Hall during the conference, also rushed to the beach and joined the melee.

Besides the town's seven policemen and the State Troopers, the Mayor had ten private citizens sworn in as special police.

COLONIAL BEACH, Va.—Another swimming party was called off Sunday at Colonial Beach by Atty. Martin A. Martin "in interest of peace." But Martin said another will be held "in two or three days."

Martin's decision came after several conferences with Mayor Brewington and the town council. Brewington told the attorney he could take his choice, bloodshed or a segregated beach. Martin replied that his group would never agree to segregation.

About 100 persons were ready for the swimming party when Martin called it off.

The air was tense as Martin held his talks with town officials. Hundreds of whites lined the streets and gathered in front of Town Hall.

Negroes to Drop Case If Allowed to Swim

By the Associated Press

COLONIAL BEACH, Va., July 29.—Attorneys said today a discrimination suit against Colonial Beach town authorities will be dropped if the Negro swimming party planned the first week end in August is successful.

The pledge was made by Martin A. Martin, Richmond attorney for Negro residents who sued the town and its Mayor nearly three weeks ago on the charge the Negroes were denied access to recreational facilities supported in part by their tax money.

Mayor Norman Brewington said, meanwhile, that he saw no reason why the swimming party—scheduled August 5 and 6—would not be "welcome." The Mayor declared

"As we have said, there has never been a rule against Negroes using the beach and the wharf. These people plan to use them. As long as they behave themselves they will, of course, be treated like anybody else."

The Mayor said Negroes never had used the facilities before "as far as I can find out." He added he did not believe police would be needed in any connection with the swimming party.

Judge J. Waites Waring

JUDGE WARING'S HOME PELTED—Federal Judge J. Waites Waring and his wife, both severe critics of segregation for Negroes, walk in front of their home at Charleston, S. C., which was pelted Monday night. The house was struck with "missiles of an undetermined nature." Judge Waring told newsmen a window pane in front of the house was smashed "perhaps by a bullet" and the front screen door was "slashed and battered."

FBI Investigating Attack on Judge Waring's Home

SAVANNAH, Ga.—While several United States deputy marshals guard the home of Federal Judge J. Waties Waring and his wife, the FBI is investigating to learn what group is behind the mortar bombardment of the justice's home, last Monday night.

Judge and Mrs. Waring had sat down to a game of canasta when shortly after 9 p.m., a missile came smashing through a window.

Another blasted a hole in the front door screening and banged against the front door. Several others are believed to have been tossed, possibly from a moving automobile.

Second Attack on Home

The intimidation attempt marks the second time this year that Judge and Mrs. Waring have been the targets of thugs intent upon silencing them for their criticism of segregation and treatment of colored people in the South.

The Warings said that simultaneously with the hurlings of the missiles, they heard loud reports, similar to those of a pistol or gun.

However, no bullet marks were announced by investigators as having been found, giving rise to the conclusion that the brick hurlers may have used blanks firing the missiles from homemade launchers similar to bazookas.

Neither Judge Waring nor his wife was injured.

Blame S.C. Ku Klux Klan

Judge Waring, who had opened District Court that morning, expressed the opinion that this new attack had been only another act of the Ku Klux Klan, whose crimes, he said, are unpunished in South Carolina (See Klan Cleared in Fatal Raid—Inside).

The judge and his wife told reporters that the anonymous threatening telephone calls which began in January following an address by Mrs. Waring in the colored YWCA branch here are still being received.

Both insist upon answering the telephone themselves and have never shown the slightest concern, except anger, after getting threats.

Turn Local Officers Away

FBI agents, who were on the scene shortly after the outrage, made no comment. Local law-enforcement officers who arrived were asked to withdraw by the Warings, who said they thought the case was one for Federal action, since it involved an attack upon a Federal judge.

The Warings have only been in Charleston a few days, having been in California, where Judge Waring conducted a court on invitation of United States judges in the Northern District.

Opened Primary to Group

The ire of white supremacists was aroused against Judge Waring when he ruled against a closed white Democratic primary in the case of Elmore vs. Rice in 1946.

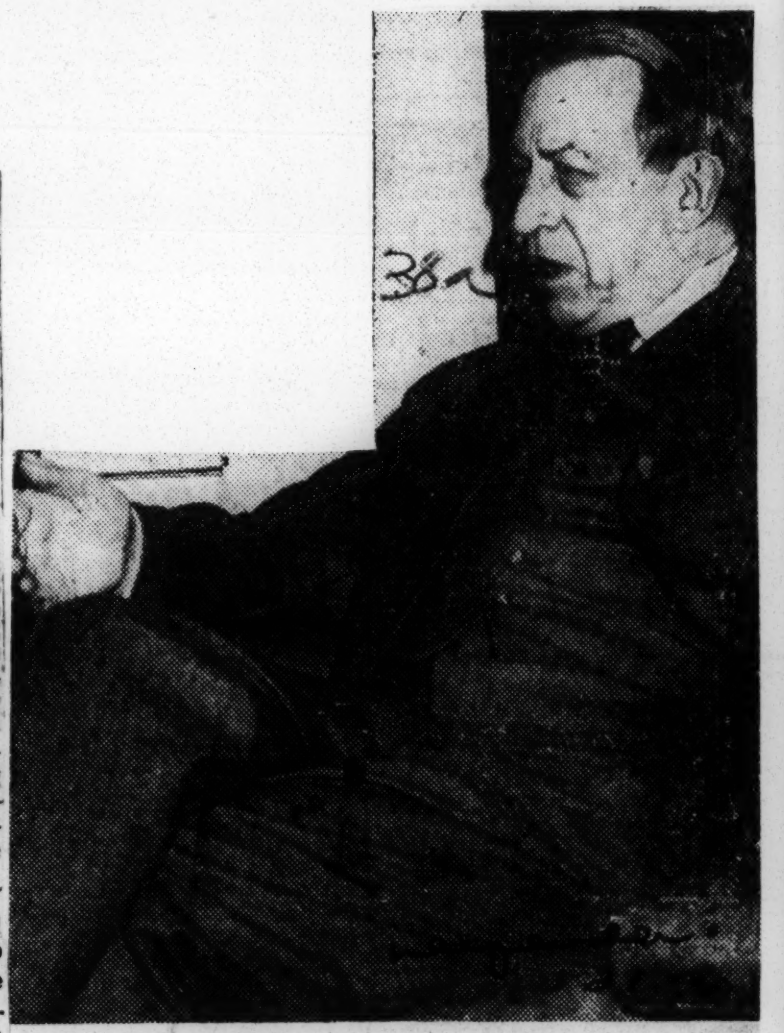
His ruling was upheld by the U.S. Circuit Court of Appeals; and later the Supreme Court refused to allow records of it to be filed under appeal by the State.

The bitterness against him mounted when he reiterated the ruling that colored voters must be allowed to vote in Democratic primaries, two years later, in the case of Brown vs. Baskin.

Fight Racists in Backyard

Staunch advocates of racial equality, now, in the South, nothing so quickly arouses the anger of the Carolina-born judge and his Michigan-born wife than to suggest that they give up their fashionable home and move from the city where their white ex-friends snub them.

In recognition of their gallant and persistent fight for racial equality, the Warings have been kept busy traveling throughout the country collecting tokens of appreciation from many groups who deem them to be "the first family of South Carolina" for their humanitarian approach to the problems that beset the minority group in Dixie.



U. S. JUDGE J. WAITES WARING

Judge Waring Lays Brick Attack To Klan

CHARLESTON, S. C., Oct. 10 (U.P.)—Liberal U. S. Judge J. Waties Waring said tonight that a brickbat attack on his home reflected the "stubborn, savage sentiments of this state and particularly of this community" against the American creed.

Judge Waring spoke out as the government furnished protection for the embattled judge and his equally outspoken wife, who blemed last night's brick tossing on the Ku Klux Klan.

"Evidently the attack last night upon my wife and myself was done in protest against the position I had taken in regard to the equality of citizens and civil rights to all Americans," Judge Waring said.

"It was evidently a protest at and an attempt to intimidate and impede," he added. South Carolina and aristocratic Charleston show "savage" sentiments against not only the American creed but "the creed of true religion," he said.

"The Dixiecrat movement, camouflaged under the name of states' rights, is the dying gasp of white supremacy and slaveocracy," the jurist asserted. "It is an attack upon the union I represent.

"It is well that the eyes of the nation be turned on this great evil; that the people of America awake to the necessity to stamp it out by taking active measures to make these people recognize and obey the tenets of the Constitution of the United States.

"I shall continue to fight for freedom and democracy," Waring concluded.

Order FBI To Probe Attack On Waring Home

CHARLESTON, S. C.—The FBI has been ordered to probe the attack on the home of Federal Judge J. Waties Waring who, with his wife, have emerged as the fightingest Southerners for the cause of civil rights.

Atty. Gen. McGrath issued the directive but it was un-certain this week whether FBI Chief J. Edgar Hoover will move into this stormy South Carolina city.

According to a spokesman for Hoover, "We are not investigating the case. So far as we know there was no violation of Federal law in the case."

The Waring home was stoned October 9, and the Judge and his wife said they heard pistol shots just as the bricks crashed through their window and screen door. They were playing Canasta at the time of the attack and were not injured.

Several U. S. deputy marshals are now guarding the Waring home. The local offices of the FBI made a quick investigation of the stoning, but soon washed its hands of the affair.

Wilson McFarlin, FBI regional director in Savannah, Ga., said, "Unless something else happens, we are through. We are not investigating the case."

Honoring A Great Judge

Negroes of South Carolina, joined by a few whites, gave a practical demonstration of their love and appreciation for Judge J. Waites Waring a fortnight ago, when they called at his home and presented him and his wife a token of that appreciation The Judge's words of response were striking. Said he:

"This is the happiest moment of my life. I've a cause to live for and a job to do." Of course, one need not review the circumstances out of which this spontaneous expression of appreciation came. Judge Waring will be remembered as the person who had the courage to take tradition by the forelock and speak out of the richness of a big heart of righteousness and a head of broad judicial knowledge to open the doors of the White Primary to Negroes of that state, in obedience to the United States Supreme Court.

That he had opposition and threats will be demonstrated by the fact that the Ku Klux Klan threatened him; citizens organized a move to impeach him and that his home was bombed or threatened. Out of that, together with numerous annonymous letters attacking him and his good wife, Judge Waring, having been honored by a delegation of 100 Negroes, said:

"It is an unpleasant situation to be in, to stand alone in a community. But I feel that it is the happiest position I could be in. Having had to meet this issue, its a great comfort to look at your own conscience and neither one blinks for the other."

There is a judge of great courage. Despite the ostracism and threats, he still insists that he would follow a similar course, were he called upon to travel that road again. And it makes us feel happy over here to know that the Negroes, for whom he suffered and is still suffering social ostracism, have the proper sense of appreciation for so great a man and his devoted wife, who has been the source of his inspiration to uphold the hand of justice and fairplay for all peoples, regardless to circumstance or position in society.

Tag Up From Ga -- -- ---- Don't The Pines Loook -- ----

SHADES OF HARRIET B. STOWE:

Mrs. Waring's 'Spunk' Hailed by Conn. Daily

WATERBURY, Conn.—Mrs. J. Waties Waring, who delivered a painful spanking to white supremacists in a YWCA speech in Charleston, S.C., last week, was praised editorially by the militant Waterbury Republican.

The newspaper proudly reminded its readers that Mrs. Waring is a former resident of Litchfield, Conn. It recalled that another Litchfield woman, Harriet Beecher Stowe, set the South on fire with her story, "Uncle Tom's Cabin."

Text of Editorial

The editorial tribute to Mrs. Waring follows:

"Shades of Harriet Beecher Stowe. Wouldn't you know that the peppery Mrs. J. Waties Waring, currently being cussed as a 'damn Yankee' by the enraged inhabitants of the Julep Belt, would hail from the Connecticut's Parlor Town?

How Civil War Started

"Some historians say that two Connecticut Yankees started the Civil War.

"One of them was Eli Whitney, whose famous invention made cotton raising and slave importation highly profitable just in time to have this economic trend collide with the abolition sentiment powerfully stirred by Mrs. Stowe's famous play, 'Uncle Tom's Cabin.'

"And now another Litchfield lady has stirred a Carolina uproar by telling a colored audience that the white population of the South is morally weak and decadent, whereas the colored population is 'building and creating'—or, in other words, in the course of passing the whites on the way up.

Quite a Conception

"That seems an interesting and thought-provoking conception here in Waterbury. It is the history of race and societies that they wax and wane, flourish and decay.

"And, undeniable, the colored race is at the threshold of long-denied opportunity and the white civilization of the South is by many tokens stumbling toward the rear exit.

"But you had better wear a smile when you say that South of the Mason-Dixon Line where a particular racial theory prevails—you had better not even say it unless you are well-endowed with the kind of spunk for which the women of Litchfield are distinguished."

Equality Speech Before Negro Group Resented

Mrs. Waring Assails S. C. Whites As "Sick, Confused, Decadent"

CHARLESTON, S. C. — (INS) — The wife of Federal Judge J. Waties Waring said Tuesday that she has received several anonymous threats following her "equality" speech last night before the Charleston Negro Youth Women's Christian Association.

Mrs. Waring, however, refused to elaborate on the nature of the threats or how they were delivered.

In her speech before the Negro group, Mrs. Waring described the Southern whites as being "sick, confused and decadent" in their attitude toward the Negro race. She added:

"To them the Judge and I are like the Atomic bomb. They are afraid we will destroy their savage white supremacy way of life. They are correct. That is exactly what we are doing."

She then referred to a decision handed down by Judge Waring in 1948 which opened the Democratic Party to South Carolina Negroes. She called it "a wonderful opinion."

Mrs. Waring also told the group that it was "brave of you to ask me here." She said the "white powers that be" had done "everything" to prevent her coming.

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'Dam Yankee!' Cries South Carolina

CHARLESTON, S. C., Jan. 19 —(AP)—A cry of "dam Yankee" echoed over South Carolina today. It was in answer to charges by the wife of a federal district judge that white Southerners are decadent.

She is tall, gray-haired Mrs. J. Waties Waring. Her husband held in a famous opinion last year that Negroes have the right to vote in the state's primary elections.

* * *

MRS. WARING, in her mid-fifties, is a thrice-married native of Detroit. She came here from Litchfield, Conn. Her husband is of an aristocratic Charleston family. He, too, was previously married.

She told a Negro Young Women's Christian Association meeting Monday night that white Southerners also are "full of pride and complacency, introverted, morally weak and low." Negroes, she said, "are building and creating."

Unidentified "white powers that be" sought to keep her from speaking, she said, "even to defaming Judge Waring and my character."

* * *

THERE WERE many repercussions, even anonymous telephone threats, she said.

Another Charlestonian, State Rep. Joseph F. Wise, Jr., told the Legislature that "I'm sure she will be answered in due time by a Southerner. We need no words such as hers from a dam Yankee."

Of Mrs. Waring's speech, Gov. J. Strom Thurmond said only this:

"It is beneath comment."

Several unidentified persons threatened her by telephone, Mrs. Waring said. Judge Waring added he did not plan to report the calls to police.

MRS. WARING was first married to Wilson Mills, Detroit lawyer. They had a son and daughter. Her second husband was Henry A. Hoffman, of Litchfield.

Judge Waring married Annie S. Gammell, of Charleston, in 1913. They were divorced in 1945. In June of that year he and the present Mrs. Waring were married. He was appointed federal judge for the Eastern District of South Carolina in 1942.

Looking at the South

A Case of Bilboism in Reverse

By Hodding Carter

GREENVILLE, Miss.—Some five years ago the late Senator Theodore Bilbo of Mississippi angered a great many people by his derogatory description of various minority groups as being inferior to white Anglo-Saxon-Americans.

Well, five years after the late Senator's politically calculated racism, and some years after the published utterances of Harriet Beecher Stowe, the Nation has been treated to a preposterously reverse racism. It comes from the youngish, thrice-married Connecticut wife of elderly United States District Judge J. Waties Waring, of Charleston, S. C.

She recently told a small Charleston audience of both races that the Southern white people were sick, confused, savage, decadent, morally weak and low. For good measure, she informed her listeners that Southern filibusterers were traitors, and that the Southern Negro had "already picked up the torch of culture and achievement from the whites down here."

In all such aberrations, the observer is impelled to ask why. In the case of Bilbo, the answer is obviously that the Mississippian was a political demagogue and rank opportunist, ready to prey upon his fellow citizens' worst fears. In the case of a Communist fomenter of discord, the answer is just as obvious. Dissension is the forerunner of chaos. In the case of intemperate Negro spokesmen who sometimes talk or write in the way Mrs. Waring did, the wishful emphasis upon Negro superiority is also understandable.

BUT MRS. WARING is neither a Southern demagogue, a Communist nor a Negro. Her trouble is at the same time simpler and more complex. It is neither political nor clinical, but social in the narrow meaning of the word. And this should be understood.

Charlestonians can be and are frequently overbearingly aloof. To pun atrociously, Charleston is a city where many are galled and few are chosen. They weren't nice to Mrs. Waring back in 1945. That was the year that Mrs. Waring, a winter resident, divorced her second husband, and aging Judge Waring divorced his wife of 32 years, the divorces being followed by their marriage in June.

To put it bluntly, they were ostracized. Whatever their inner convictions, there can be no doubt that the judge and his wife are also getting even.

THE FACTS ARE VERY UGLY.

Last Week we heard a great deal more about the scandalous pattern of segregated life of our nation's capital. Mrs. J. Waites Waring, the wife of a U.S. Federal Judge in Charleston, S.C., gave the nation an earful in a national network broadcast and Dr. Ralph Bunche told a group of New York students that Washington is a national disgrace. These views were corroborated in several articles recently and the ugly facts of outright racial discrimination and Jim Crowism in Washington have not been disputed. No one has risen to defend Jim Corwism in the capital.

Since it appears that everyone is agreed that life in the District of Columbia stinks, we hope that somebody will come forth with a practical plan to end the mess. Congress has the power to give Washingtonians the vote and make other Constructive efforts but nothing happens.

We hope that the Truman administration will seriously get to work on our capital city. All America would be grateful to the administration that brings a little democracy to the District. The facts are ugly and disgusting and the time to change the face of our fair capital is long past due.

Defender
Chicago, Ill.
Sat. 2-25-50

Judge Waring Defies Klan Cross Burners

Chicago, Ill. Defender.

CHARLESTON, S. C. — Seething resentment against Federal Judge J. Waties Waring and Mrs. Waring flared again last week as flames from a small cross burned menacingly in front of their residence located just a block from City Hall. 384

Etched crudely on the base of the cross were the letters KKK.

Police termed the symbolic cross burning a "prank." Other observers, including Judge Waring who is in New York City with his wife disagreed. They see the incident as a continuance of apparently organized attempts to intimidate the courageous couple who have slapped Southern racists as "decadent and morally low."

Judge's Statement

In a statement to the Chicago Defender, Judge Waring said:

"This exhibition of the typical savagery of the Southern white supremacists proves it is time for the decent people of America to demand that their national government take steps to suppress these real enemies of the American way of life."

The Ku Klux Klan, fairly dormant until now. is increasing in Charleston operated quite openly in nearby communities. Citizens recalled that several years ago, the late Klan leader, Samuel Green, was introduced to State lawmakers at the South Carolina Legislature.

Seek Impeachment

Petitions were circulated in South Carolina asking for Judge Waring's impeachment following his epic decision opening the State's Democratic Primaries and party ranks to Negroes. Plans are being made to introduce a resolution in Congress calling for the expulsion of the Judge.

Mrs. Waring joined her husband in their courageous fight for the equality of all men. She told a television audience recently that she favored the marriage of Negroes and whites, "if that's what they want."

'WHITE SUPREMACY' TERMED A CANCER

Newspaper.

Judge Waring in an Address Here Calls for 'Doctors' to Operate on South

The Southern advocates of white supremacy are mentally sick and obsesses dwith false doctrines that threaten the freedom of the world, Federal Judge J. Waties Waring of Charleston, S. C., charged yesterday.

"We don't have a Negro problem in the South, we have a white problem," the judge declared. "It's hard for me to say it but it's true. The white men in my part of the country are sick mentally, obsessed with their false doctrines."

Judge Waring, who handed down the ruling in 1947 that allowed Negroes to vote in South Carolina primaries for the first time since reconstruction days, spoke before 800 persons who packed the Convent Avenue Baptist Church, Convent Avenue and 145th Street, for a Harlem Interracial Platform sponsored by the Baptist Educational Center.

The jurist attacked "gradualism" in providing civil liberties for Negroes as "the most dangerous doctrine of our age." He urged his audience to speak out against the limitation of minority rights and to bring pressure on governmental officials at all levels.

"We in the South need your help," he asserted. "We've got to have it. The cancer of segregation will never be cured by the sedative of gradualism. An operation is necessary, and you can send us the doctors." Mon. 2-27-50

Appeals for Legislation

Judge Waring compared Southern believers in gradualism with alcoholics and victims of mental disease. They all want to be left alone to solve their own problems, but this kind of treatment has never worked, he said.

Appealing for enforceable civil rights legislation, the speaker declared: "When an autocratic, despotic and undemocratic group withholds the vote from any body of citizens, then its time for somebody—a President, a judge, or maybe even a policeman—to come along and straighten it out."

The primary election in 1948, in which the Negroes voted as a result of the judge's ruling, was "the quietest election we ever had in the State of South Carolina," despite predictions that "blood would fill the streets of our cities," he declared.

"The lesson of that is: If you tell them what to do and if you make them do it, it's going to come out all right. When you create a decent and proper situation, when you find the right status quo, people accept it and they behave themselves."

Dr. Horatio S. Hill, director of the Baptist Educational Center, presented a scroll to Judge Waring in recognition of his work in the cause of Negro rights. The Rev. Dr. O. Clay Maxwell, pastor of the Mount Olive Baptist Church, 120th Street and Lenox Avenue, presided.

Judge Waring Tells Courier:

'I DEFY LEGISLATURE, KLAN TO IMPEACH ME'

Sees Church, Labor As Forces to Gain Negroes Full Rights

By JAMES E. BOYACK

(First in a Series of Two Articles)

EXCLUSIVE NEW YORK—Federal Judge J. Waties Waring this week defied both the South Carolina Legislature and the Ku Klux Klan to impeach him.

A few days ago a cross was burned in front of his Charleston, S. C. home. "KKK" was scratched on its base.

Members of the Legislature and their "white supremacy" supporters allegedly are circulating petitions demanding that the famed jurist be ousted from the bench because he banned the "white primary" and ordered the Democratic party to reopen its enrollment books in every county; give ample opportunity to every citizen to register, regardless of race, and to permit them to vote in elections.

"The question now is whether the State of South Carolina is part of the nation," he said.

He said he had no objection to having the conflict between himself and the legislature submitted to public opinion or to Congress.

Judge Waring

"In fact, I welcome the spotlight of publicity on the white supremacy advocacy of two classes of citizens in avoidance of the meaning and intent of the Constitution of the United States and especially the 14th Amendment," he told The Courier.

The jurist definitely inferred that where Negro rights are concerned, South Carolina has seceded from the Union.

"It seems that history is repeating itself and that South Carolina still is following the course adopted between 1830 and 1860, namely refusal to follow the laws of the nation, resulting first in nullification, and later in secession. The question now is whether the state is part of the nation," he said.

Here to preside over a term of Federal court, the reporter interviewed Judge Waring in his quiet chambers high in the tower of the U. S. Court House.

Dressed in a dark brown business suit, brown tie, and white shirt, he leaned back in his leather high-back chair, joined his finger-tips, and spoke softly and with deep conviction out of a life-time of experience about the apparently hopeless plight of the masses of Negroes in the South.

Though he passed 70 last week, there is little gray in his hair, which falls carelessly from an old-fashioned center-part. His face is ruddy and strong. Blue eyes in turn flash in anger, soften in pity and sparkle with humor.

As New York's traffic rumbled far below, he painted the picture with bold strokes, upon a large canvass.

He admits that at the local level, the Negro can expect little protection against lynching and other acts of violence from sheriffs or police chiefs. But he pointed out that they are appointed or elected by local communities, and therefore reflect the attitude of the community towards colored residents, and act accordingly.

"Very few of them will oppose the prevailing custom in the treatment of Negroes," he said.

He said that there are two factors today operating to clear this un-American atmosphere.

They are:

1. The growing Negro vote.
2. The local and national publicity spotlight which automatically is turned on acts of terrorism against helpless Negroes in the South, and upon the deplorable lack of local law enforcement.

He said that both the church and labor unions can become important agencies in launching the Negro on the road to full citizenship. However, he added that unless pressure first is initiated from a higher, outside level, church members actually are afraid to voice their feelings publicly for fear of business, political, or social reprisals from the champions of white supremacy.

"No Charlestonian or South Carolinian has crossed the threshold of my home since I handed down the injunction against the Democratic Party in my state," he said with a gesture of calm resignation.

He talked about the State of Alabama banning the wearing of masks or hoods in public and the ordinances passed by many Southern municipalities for the same purpose, as hopeful signs. But he said that the Negro can't look to that State for protection either

"The record shows that usually Southern states go through the motions of investigation after a lynching or other act of terrorism, but rarely is there either indictment or conviction for crimes of this type," he said.

101 Judges Snub Waring

Dodge Luncheon Given Bold Federal Jurist

CHICAGO (ANP)—South Carolina's fighting Judge J. Waties Waring was treated like poison ivy by this city's 101 judges last week.

Every judge residing in Cook County received a special invitation to attend a luncheon honoring the man who banned the all-white primary in South Carolina.

Not a single one showed up, among the absentees being the two colored municipal court judges.

Lawyers Embarrassed

Judge Waring took the snub good-naturedly. "It's much worse back home," he chuckled. "Not a single white neighbor, including relatives, or fellow judge, has visited my home in Charleston since the all-white primary was banned."

The treatment given the honoree embarrassed leaders of the Cook County Bar Association—which embraces the colored lawyers—and the local chapter of the National Lawyers' Guild, of which Judge Waring is a member. Both groups were sponsors.

Believes in Legal Force

However, 200 leading colored and white lawyers went on with the luncheon and heard the Dixie progressive blast the "gradual" approach to the race question. Later, he told 1000 people at Tabernacle Baptist Church that "segregation never will be broken down through lectures and sermons."

"I believe in force," he stressed. "Not necessarily of bayonets and machine guns, but of every court, the Federal Government, the executive power of the President, the force of law enforcement authorities, and the collective force of all right thinking people."

Can't Scare This Judge

Anyone who read the AFRO's recent exclusive interview with U.S. Circuit Court Judge J. Waties Waring of Charleston, S.C., should have no difficulty in understanding why bigoted South Carolina whites want to get rid of him.

Judge Waring, now trying cases in New York, as has been his custom since 1943, incurred the wrath of South Carolina bigots because he opposes racial discrimination and has demonstrated this through decisions which he has handed down in cases involving both races.

It should be made clear here that he is not running away from the South Carolina situation, and we hope that the Federal judiciary will never become so small as to withdraw a judge from his district simply because he interprets the U.S. Constitution as he sees it.

After all, the remedy for a misinterpretation of Federal law is an appeal to the appellate courts and the U.S. Supreme Court. In the decisions for which Judge Waring's neighbors condemn and ostracize him, the higher courts have ruled with him.

If threatening letters and/or telephone messages have been sent to the judge and his wife in connection with his decisions, it is the duty of the Justice Department to investigate and to take the proper steps to begin prosecution should the charges be substantiated.

Threat of Impeachment Scorned by U.S. Jurist

Honored Guest of National Lawyers Guild Luncheon Urges Fight for Full Equality

WASHINGTON

"Threats of impeachment, Ku Klux Klan cross burnings, being snubbed, or any other type of intimidation will not change my opinion that segregation and discrimination have no place in a true American democracy.

"I go back to my bench in Charleston, Monday, to continue to try to get rid of the infectious cancer eating at the vitals of our democratic system."

These are remarks made by Judge Waties Waring while speaking at a luncheon given in his honor by the Washington chapter, National Lawyers Guild, in the Willard Hotel Saturday afternoon.

Healthy Signs Noted

Judge Waring, United States District Court judge for the Eastern District of South Carolina, whose decisions invalidated the "white Democratic primary" in that State, said there are healthy signs that eventually we will win the battle to end discrimination.

He added the only way we can have final success is by force "to break the respectability of so-called legality of the evil of segregation."

The people of the world are hanging on the question of law, practices and prejudices in the United States, he pointed out.

Relations Tense in Chicago

He stated that racially Chicago is in bad shape, particularly over housing, because it is involved in politics and the people are getting tense.

In Minneapolis, which he visited recently, he stated, racial relations are good, even better than in New York.

"If we have the fire in our souls to keep the fight against segregation and discrimination before us at all times there is no reason why we can't win out," he asserted.

Against "Gradualism"

Judge Waring declared that he is against the doctrine of gradualism. "It just doesn't work," he declared. The judge added:

"I am no Utopian and don't maintain that the whole change is going to come overnight, but as long as legal restraints are maintained, segregation, the dual school systems and underpaid teachers will remain.

"The law must change first. This can only be done by a species of force, not necessarily physical, but through the courts, newspaper editorials, books, magazines, focusing the spotlight on the enlightenment and education of the masses, both white and colored on the subject."

Preceeding Judge Waring as a speaker was Dr. Stephen G. Spottswood, president District branch NAACP. Judge Waring was introduced by Clifford Durr. Harry Lamberton, president of the District chapter, National Lawyers Guild, was toastmaster.

Seated at the table with Judge Waring were:

Mrs. Charlotte Hankin, treasurer of NLG; David Rein, secretary; Judge James Cobb, Maurice Weeks, president Washington Bar Association; Mr. Durr, Mrs. Durr, Dr. Spottswood, Robert Silberstein, national executive secretary; and Belford V. Lawson, vice-president of the local NLG. About 200 guests attended the dinner.

Invitations were sent to all judges of the Municipal and District Courts in Washington all of whom declined to attend, a spokesman for the Washington Branch of the National Lawyer's Guild, sponsor of the luncheon, told the AFRO.

The spokesman explained, however, that many had "legitimate" excuses and it is known that many were on the bench Saturday at the time of the luncheon.

An AFRO reporter was unable to reach Judge Armond W. Scott, who was on the Municipal Court bench Saturday, either at his home or at his chambers.

Clark Spews Hate

The Guild's spokesman said all of the judges invited gave polite excuses, except Judge Bennett Champ Clark of the U.S. District Court of Appeals for the District of Columbia, who sent a vicious reply.

Judge Clark was quoted as saying that he did not like Judge Waring; did not approve of what he is doing, and therefore he (Clark) did not care to attend the luncheon.

S.C. Appropriates $10,000 to Impeach Judge Waring

COLUMBIA, S.C.—A "hate" appropriation of $10,000 was approved Tuesday by the South Carolina Assembly to finance proposed impeachment proceedings against U.S. District Judge J. Waties Waring of Charleston.

In moving to impeach the Federal jurist, the State Legislators charged in a resolution that he and his Northern-born wife "have advocated a revolution by colored people against white supremacy." The Assembly prevously voted to buy the Warings one-way tickets out of the State.

Rep. James P. Richards, chairman of the South Carolina delegation in the House of Representatives in Washington, warned his home-town colleagues to make sure they have "sound legal" grounds for their action.

$1000 Pledged To Judge Waring

Lawyers' Body Attacks Impeachment Action

PHILADELPHIA

A resolution pledging $1000 for the defense of Judge J. Waties Waring in his impending impeachment trial, was adopted on Sunday afternoon at a mass meeting in Tindley Temple Methodist Church, where his wife, Mrs. Elizabeth Waring, was principal speaker.

The resolution, drawn up by a special committee of Philadelphia lawyers, was presented by Nathan Edelstein in the absence of Raymond Pace Alexander, committee chairman. David Berger, Theodore O. Spaulding, E. W. Rhodes and Julian E. Goldberg, all attorneys, made up the committee.

The meeting, co-sponsored by the Southwest branch YWCA and the North Philadelphia Civic League, marked the close of the national YWCA Week observance here.

Dixiecrats' Battle-Fund $10,000

Judge Waring, assigned to a U. S. District Court in Charleston, S. C., faces impeachment for his anti-discrimination stand in a move financed by a $10,000 fund appropriated by the South Carolina Legislature.

His wife, Mrs. Waring, told the mass meeting audience that "it is about time to give the American white people the 'shock treatment' on racial abuses."

Last fall, she had publicly denounced all Southerners as cowards for their stand on white supremacy, terming it a form of insanity.

"We must open the eyes of the world to the fact that colored Southerners are still slaves in mind, soul and emotion, if not in body," she said on Sunday.

Resolution Lauds Jurist

In the resolution adopted by the rally, Judge Waring was cited for his "righteous, fearless, courageous and completely American Democratic conduct." The fund was pledged for the sole purpose of defending him "in any and all actions that may be brought against him to attack his judicial office."

Mrs. Sadie T. M. Alexander, attorney, presided at the Sunday session; and Mrs. Walter Upshur, co-chairman with Dr. John K. Rice, was mistress of ceremonies.

Also on the program were:

Miss Margaret Knight, the Rev Noah W. Moore, Mrs. Voight Jones, Mrs. E. L. Martin, Reuben Cohen, attorney; Hobson Reynolds, Mrs. E. C. Wright, Mrs. Robert Patience, Rabbi Meyer Finkelstein and the Berean A Cappella Choir, directed by Eugene W. Jones.

Follows Mystery Calls

Home of Judge Waring Pelted With Missiles; FBI Called In

CHARLESTON, S. C., Oct. 9 (AP).—The home of Federal Judge and Mrs. J. Waties Waring, both severe critics of segregation of negroes, was pelted tonight "with missiles of an undetermined nature."

Judge Waring said a pane in a window in the front of the house was smashed "perhaps by a bullet" and the front screen door "slashed and battered."

FBI agents, called to the home by Waring, declined comment.

Judge Waring said the attack followed a number of "mysterious telephone calls received the last few days."

"You can't expect this sort of thing in South Carolina," the Judge said. "It's a State dominated by the Klan—a crime committing Klan that goes unpunished.

"Whatever it was that smashed the window sounded like an explosive," he said. "The FBI men are searching the house now to see if they can find one or more bullets. I won't say they were bullets, but something certainly sounded like explosives."

Asked if the attack might force him to change his residence the judge exploded:

"Certainly not. My wife and I are staying right here. You can bet on that."

Waring was widely criticized in 1947 when he handed down a ruling that permitted Negroes to participate in the Democratic primary in South Carolina.

Judge Waring's home stoned; opened S. C. primaries to Negroes

CHARLESTON, S. C., Oct. 10—(AP)—The home of Federal Judge J. Waties Waring, champion of equal rights for Negroes, was stoned last night by unidentified persons.

The judge and his Detroit-born wife escaped the barrage unhurt.

Federal Bureau of Investigation agents who were called by the judge, refused to comment. Waring said one brick sailed through his living room window and another through a screen.

Local police, who also came to investigate, were ordered out of the house by the Warings.

"I prefer to have the federal officers investigate because evidently the attack is upon me as a federal judge," he said.

The Ku Klux Klan once planted a burning cross on the judge's front lawn.

A resolution proposed recently in the state Legislature would have financed a one-way ticket for the Warings to any point outside South Carolina.

The Legislature also indicated last session that it would foot a bill up to $10,000 to start impeachment proceedings against the judge.

Judge Waring handed down a ruling in 1947 permitting Negroes to vote in state party primaries.

Bravery, Unselfishness of Judge, Wife Praised by Scores in South

NEW YORK—Don't get the idea that all the white folk in Dixie are up in arms and ready to scalp Mrs. J. Waties Waring, Detroit-born wife of U. S. District Court Judge J. Waties Waring of Charleston, S. C. Many of them agree with her views that Negroes are not getting a fair deal and deserve better treatment in Dixie. What's more, they're putting it in writing!

Mrs. Waring has been forthright in her denunciation of the abuses handed to Negroes in the South and she revealed here last week that although she has received a number of insulting, vicious and obscene letters and telephone calls, there have been at the same time—an increasing number of expressions of concurrence from Southern whites who share her views.

* * *

SHE ADMITTED — happily—that she was pleased by the fact that her statements have forced whites in the South to admit that the situation is an issue.

"We've made them admit in South Carolina, for the first time, that it is an issue," she said her. "Before, they wouldn't even talk about it, or let anyone else talk about it."

Mrs. Waring is certainly right about that, for the South has become almost a whirlpool of "pros" and "cons" on the subject of mistreatment of Negroes since she and her determined and liberal husband brought the matter into public focus during the past few months.

Mrs. Waring disclosed that she had turned over all of the more obscene letters to the FBI, but said she was keeping some of them and even answering them. What, however, heartened her more than anything else, she revealed, was the fact that many white persons in the South had written her praising the stand she had taken and assuring her that they felt the same way.

* * *

THIS, SHE INDICATED, made her feel sure that sooner or later better things would be coming for Negroes in the South. Many white people have written her asking what they could do to help things, and how to go about it.

Putting pressure on Congressmen for the civil rights program, voting against race haters and letting them know it, and getting acquainted with each other to know and understand each other, were her suggestions on how to combat injustices and misunderstandings. She disclosed that she had made such suggestions to a number of friends, both white and Negro. She advocated social gatherings as the medium for such acquaintances between Negroes and whites who are socially congenial, as she put it.

"In this way," she said, "we can prove that Ralph Bunche is not a freak of nature; that there are a lot of Ralph Bunches in this country. It is our business to expose other whites to these many worthwhile Americans in our midst." She revealed that letters of approval had reached her from as far away as Australia.

She smiled as she told of the couple in Charleston, S. C., where she and the judge live. The couple wrote her: "Thank you from the bottom of our hearts for your bravery and unselfishness in voicing the sentiments that many of us feel." She called such people "a small underground" in the fight against bigotry and racial intolerance in Dixie.

* * *

THERE WAS THE preacher who wrote: "Surely the blessing of God is upon all who, like Judge Waring and yourself, are actively engaged in this crusade to realize His kingdom of peace and brotherhood." There was little doubt that expressions such as that meant much to the Connecticut-educated woman who has fearlessly exposed herself to the ire of Dixiecrats, Klan-minded white supremacists and race-baiters throughout the South because she has dared to take up the fight in behalf of underprivileged Negroes in the South.

Yes, Klansmen—or facsimiles thereof, as they termed themselves—have also tried to embarrass or humiliate the stately wife of an outstanding South Carolina-born jurist. But, out of all of it there is emerging a sure feeling that the South has been hit and hit hard by her utterances, and the South is thinking hard about what she and her husband have said.

Something is bound to happen sooner or later.

Judge Waring's Home Is Guarded

(The Associated Press)

Washington, Oct. 12 — Several US deputy marshals have been assigned to guard federal Judge J. Waties Waring following an attack on his home at Charleston, S. C.

The justice department declined to comment, but it was learned elsewhere that the deputies were put on the case several days ago to protect Waring.

Well-informed sources said the deputies were assigned to watch for any suspects loitering around the judge's home or following him to his courtroom duties.

Waring's home was pelted with two small pieces of mortar last Monday night. Both the Judge and Mrs. Waring have criticized segregation of Negroes, drew bitter condemnation in the South in 1947 when he ruled that Negroes should be permitted to take part in the Democratic primary in South Carolina.

Carolina Solons Apparently Regard Charges Too Flimsy

WASHINGTON, D. C. — (NNPA) — Members of the South Carolina Congressional delegation apparently regard the charges against Federal Judge J. Waties Waring of Charleston, South Carolina, as too flimsy to institute impeachment proceedings against him.

Representative James P. Richards, Democrat, of South Carolina, last Tuesday said substantial evidence against the jurist must be received before any steps are taken by the South Carolina delegation to bring impeachments proceedings against the judge.

Richards is chairman of the Congressional delegation. He said South Carolina members of the House had decided to ask persons who want impeachment proceedings brought two questions: (1) Where are the necessary funds coming from, and (2) whether legal proof for impeachment is forthcoming.

Representative James B. Hare, Democrat, of South Carolina, told reporters that South Carolina Congressmen have agreed that if a resolution is introduced, it will be offered by Representative L. Mendel Rivers, Democrat, of South Carolina, in whose district Judge Waring resides and who introduced the impeachment resolution in the House two years ago.

Richards said last Tuesday that "It is the consensus of the delegation that we should not proceed until strong evidence against Waring is presented by the petitioners."

20,000 SIGNATURES

Petitioners being circulated in South Carolina asking removal of Judge Waring bear more than 20,000 names, chiefly from the southern part of the State, South Carolinians here state. They said more signatures are expected to similar petitions in the north and west.

But Richards commented, "Personally I don't think any steps should be taken until we are sure they are founded on a sound legal basis. I do not think anybody should go off half-cocked."

Rivers, who is away from Washington on a government hospital investigation, made no comment on the matter before he left but indicated that he would not move without some legal evidence upon which to base impeachment proceedings.

Representatives Hare, John L. McMillan and Hugo Sims, Jr., the latter two also Democrats, of South Carolina, said they were ready to give serious consideration to the matter.

According to dispatches from So. Carolina, the impeachment proceedings would be based on the ground that Judge Waring and his wife, a northern born woman, have advocated "a Negro revolution against white supremacy." Such a charge as grounds for impeachment is regarded here as frivolous.

Delegation Asks Congress to Oust Judge W. Waring

WASHINGTON, D. C. — (ANP) — A six-man delegation from South Carolina arrived here last week to present a petition seeking the ouster of progressive Federal Judge Waties Waring, while a Ku Klux Klan cross burned in front of the judge's Charleston, S. C. home.

The petition was presented to Rep. L. Mendel Rivers of South Carolina. The delegation was headed by J. S. Phillips of Warrenville, S. C., who later held a conference with legislators from his state.

The Dixie-born and educated judge has become the most controversial figure in the state's history since Reconstruction days. White supremacy and Klan elements hate him for his adamant stand against all forms of racial oppression. He ruled equal pay for South Carolina school teachers, banned the all-white Democratic party primary, while his wife has declared race prejudice as "decadent and morally low."

Last week, newspaper reporters discovered the cross burning in front of the judge's home, while he was in New York temporarily to relieve the overloaded federal court there.

Both Judge Waring and his Michigan-born wife have pulled no punches in calling for the complete elimination of racism from American life. They have made enemies in both the North and South.

A Judge Is Unpopular

One of the most unpopular men in South Carolina is Federal Judge J. Waites Waring of Charleston. This paper is inclined to think that he has himself largely to blame. Feeling against him, we think, is not primarily due to rulings he has made in his official capacity. A judge is often forced to rule in a way that is contrary to some—perhaps much—of the thought of the community in which he lives. Inasmuch as a judge is also a human being, he can be thoroughly aware of the effect his decision may have upon local mores. But he is sworn to interpret the law to the best of his ability.

Judge Waring's rulings in 1947 and 1948 opened South Carolina's Democratic primary voting and party membership to Negroes. While it is true that his language in making the decisions was strong, the people of South Carolina would, we are sure, have accepted a court decision just as would the people of Alabama in similar situation.

* * *

What South Carolinians are presently most disturbed about is the militant way in which Judge Waring and his wife have upheld their ideas away from the courtroom. While it is perfectly true that as a citizen Judge Waring has a right to express his opinions, nevertheless it is also true that as a judge before whom cases bearing on the race problem are likely to continue to come, he should have maintained an impartial attitude.

Mrs. Waring, the judge's second wife, is not native to the South, though the judge is. That fact in itself is secondary, as hundreds of thousands of transplanted Northerners can testify; the vast majority of them are happy in the South, having been welcomed here and made to feel completely at home even when their points of view sometimes differ from those of Southerners. The South, for the most part, is tolerant and willing to grant every intelligent person the right to express any opinion he may wish, reserving the right to disagree.

But Mrs. Waring has made some statements that are regarded as provocative. She has the right to say what she wishes. But one can question the judgment underlying some of the things Mrs. Waring has said and the manner in which she has said them.

* * *

There has been talk of impeachment proceedings against Judge Waring. It is difficult, however, to see on what charges the proceedings could be brought.

Reign of Terror Stalks Warings

By JOHN H. McCRAY
(Special to The Courier)

CHARLESTON, S. C.—Police are continuing an investigation into the burning of a three-foot cross in front of the home of U. S. District Judge and Mrs. J. Waites Waring here Saturday night.

The cross was made of laths around which cloth had been wrapped. The cloth evidently came from a pair of pajamas. Soaked with kerosene, the characteristic Ku Klux Klan emblem had been secured with metal fasteners to a strip of earth separating the sidewalk from the street.

For some reason, it failed to burn long after being touched off and first arrivals at the scene—a scant block from the U. S. Federal Courthouse and the Charleston Post Office, and less than a block from Charleston's historic St. Michael Church — noted that the cross had a shaved end in the ground.

Police hinted that it may have been the work of pranksters, but weren't sure.

Meanwhile, twenty-one miles north, the little town of Summerville, had thumbed its nose at the Leesville, S. C. Klan chief and passed two ordinances just three days before, under the drive of aroused white ministers, which forbade the Klan to pass through the little mecca of tourists, either on foot or by motorcade, the latter being allowed under state law if masks aren't worn.

The Summerville action followed an unauthorized Klan foot parade several nights before.

The cross burning before the Waring residence, at 61 Meeting Street, while both are in New York City, where Mr. Waring is conducting sessions in the Southern New York Federal District, climaxed a week of anti-Waring actions in South Carolina.

On Tuesday, a seven-man committee, armed with 20,000 alleged signatures, many admittedly forged, appeared before State Congressmen in Washington seeking impeachment of the jurist because of alleged favorable statements he has made on the race question.

The South Carolina Legislature immediately voted $10,000 as available to effect such impeachment. The resolution of impeachment is scheduled to be offered by Representative L. Mendel Rivers of Charaleston, but reliable sources here said that information from Washington was that the impeachment proceedings didn't have the slightest chance of being passed.

The petition charges that because of utterances of Mr. Waring, and Mrs. Waring's Jan. 16 address before the colored YWCA branch in Charleston, the judge wasn't longer qualified to rule on cases between the races in his court.

Representative Rivers introduced an impeachment resolution last year, which failed.

Following her address, Mrs. Waring drew the threat of punishment from the Klan, who denounced her accusation that the Southern white people were a "decadent" lot. Shortly thereafter, as two crosses were burned in adjoining Colleton County, which also adjoins Dorchester County, the first petition for impeachment, was reported.

Judge Waring denounced the petition, and the next day left for New York City.

The jurist charged that the petition was being circulated by Klansmen and Dixiecrats.

Jurist Faces Impeachment For Backing Negro Rights

Because he backed Negro rights, U. S. Judge J. Waites Waring, of Charleston S.C., is facing threats of impeachment from the South Carolina House of Representatives. Two years ago Judge Warings historic decision that Negroes were entitled to membership in the state Democratic Party and qualified to vote in the Democratic Primary upset the political applecart of the Carolina Dixiecrats and caused rumblings throughout the Deep South.

In urging the impeachment, the S. C. House resolved the action be based upon "the grounds that he and his Northern-born wife have advocated a Negro revolution against white supremacy."

Tuesday, Rep. Richards, (D), S. C., asked the South Carolinians to make sure they have a "sound legal" basis for the proposed impeachment.

Richards is the Chairman of his State's delegation in the U. S. House of Representatives. "I don't think anybody should go off half cocked," he told the press.

Richards made his comments after a S. C. House approval of $10,000 to finance proceedings against the jurist.

The South Carolina delegation agreed they would take no further action until "strong evidence is presented by petitioners."

He and Mrs. Waring, since that ruling, have spoken frequently in behalf of Negro rights. Mrs. Waring is a native of Detroit.

"I was not aware a judge could be impeached for enforcing, or advocating the enforcement of, laws impartially without regard to race or color," said the jurist.

"It seems that history is repeating itself and that South Carolina is still following the course adopted between 1830 and 1860—namely, refusal to follow the laws of the nation, resulting first in nullification and then in secession."

Mrs. J. Waites Waring

Racial Inequalities In Nation's Capital Scored By Judge Waring

Dual Citizenship Unfair And Should Be Discontinued

WASHINGTON, D. C. — (NNPA) — Racial conditions in Washington are disgraceful. Federal District Judge J. Waties Waring, of Charleston, South Carolina, declared here last Friday night.

To have "disgraceful practices" to go on here in the Nation's capital that "rings with the Declaration of Independence, the Constitution of the United States, the Bill of Rights and all the preachments of liberty, equality, freedom of man and freedom of speech," he said "is even worse than it is down in my part of the country."

Judge Waring was here with his wife to attend the annual dinner of the American Council on Human Rights, held in the Congressional Room of the Willard Hotel, and to receive citations for their "distinguished service in the cause of human rights.

Addressing the audience of about 250, Judge Waring said the situation is worse in his part of the country, but at least it may be said for a great many of the white supremacists that they "don't know any better."

NOT THE CASE

In Washington, he continued, "that is not the case. Here we stand within a stone's throw of the Capitol where the Congressmen and Senators meet and talk, and talk, and talk. Not far away is the White House where the Cabinet meets with the President and talks."

He added that the people are getting tired of this. "I hear a rumble all through the land," he said. "There is a rumble through the North, the Mid-West, and the Far West, and there is even some piping and squeaking in the Deep South."

White South Carolinians have been fuming against Judge Waring ever since he handed down a decision in 1947 ordering the "white Democratic primaries" in South Carolina opened to colored voters and declaring that it was time for the State to get in step with the rest of the Union.

After Mrs. Waring approved of interracial marriages on television program, "Meet the Press," over the National Broadcasting television network, the South Carolina legislature passed a resolution to give Judge and Mrs. Waring one-way tickets out of the State.

More recently, the State legislature approved an appropriation of $10,000 to bring impeachment proceedings against Judge Waring, but members of the South Carolina Congressional delegation here have shown no disposition to file impeachment charges against him.

In his speech here, Judge Waring revealed that he was unafraid of the demonstrations against him.

"To me, the fact that we are having outrages, Klan parades and cross burnings is one of the best signs that the people are aroused and that the oppressors are getting worried," he declared.

"It is simply the infection breaking out and coming to the surface," he said.

NOT UPSET

When he reads in the newspapers or gets a long distance telephone call telling him that a cross marked "KKK" is burned in front of his home in Charleston, he said, "it does not upset me. I think it is fine. I want the people of this country to know that because Mrs. Waring and I have had the decency to say that we do not believe in dual citizenship and we do not believe that one crowd of people has any right to enslave, exploit and oppress another group of people — when resentment comes out in the open it means those oppressors are getting scared.

"When they have to go around with masks on their faces and white sheets wrapped around their shoulders and with a lot of mumble-jumbo and KKK written on the bottom of letters, thinking they can frighten anybody with that silly, stupid, childish, insane course of action—when that happens it is a good thing because it means that the eyes of the nation see what kind of people these so-called master-race, white supremacists are."

Judge Waring warned his audience against being deluded by the doctrine of gradualism, "leave-us-alone" and "we-are-curing-ourselves." He said gradualism might accomplish something in 500 or 600 years, "but unfortunately none of you will be here then and we want to see something done in the meantime."

Cross Is Burned at Waring Home

(The Associated Press)

Charleston, S. C., March 12—A small cross was burned Saturday night in front of the Charleston home of federal Judge J. Waties Waring.

Two reporters found the charred cross glowing in front of the residence shortly after 9:30 p. m.

Judge Waring and Mrs. Waring are in New York where the judge is presiding in a federal court term.

In recent public addresses the judge and his wife have advocated an end to what they called Southern white supremacy.

Mrs. Waring, a Detroit native, told a Charleston Negro YWCA audience Southern whites were "decadent and morally low."

Petitions asking for Judge Waring's impeachment have been circulated in South Carolina.

Judge Waring's decisions opened South Carolina Democratic primaries and party ranks to Negroes.

South Carolina Judge, Wife Highly Entertained

By REVELLA CLAY

WASHINGTON—Those courageous Charleston Warings—persuasive Judge J. Waties and his charming wife, Elizabeth—came at last to the nation's capital Friday night and forthwith became the centers of attraction in a scintillating social whirl.

It was the American Council on Human Rights which rolled out the capital's mat of welcome for the outspoken South Carolina Justice and Mrs. Waring by presenting the couple with two of three "distinguished service" citations at its second annual banquet in the Willard Hotel.

HUNDREDS ATTEND

But close to three hundred people, many from diversified areas and from old Dee Cee, joined the council in giving a hearty hoorah and hello to those courageous Charleston Warings. Even more wanted to join in the demonstration, but the Congressional Room of the downtown hostelry could not accommodate.

While the accent was on "human rights," from many other points of view it was a "good dinner" to quote the council's board of directors president, Mrs. Edna Over Gray of Baltimore, Md., who presided.

The roster of special guests alone was impressive and boasted in addition to Judge and Mrs. Waring, Louis Byington Barnes of Amherst who accepted a citation for his fraternity, Phi Alpha Psi; the Hon. Judge Armond W. Scott, Mrs. Mae Wright Downs, national president of the Pan-Hellenic Council; Charles Pollard, national secretary of the Americans for Democratic Action; Dr. Martin D. Jenkins, president of Morgan State College, Baltimore, Md.; Dr. Garnet C. Wilkinson, first assistant superintendent of D. C. public schools, and three members of the Japanese women's groups currently on tour of the United States.

PLENTY OF ORATORY

In addition to the personalities making up for a "good dinner," there was plenty of oratory: from the honorees; from other participants on the program including Dr R. O. Johnson, national president of Phi Beta Sigma Fraternity; Mrs Sallie Nuby Edwards, grand basileus of Sigma Gamma Rho Sorority; Miss Dorothy I. Height, grand president of Delta Sigma Theta Sorority; Mrs. Laura T. Lovelace, supreme basileus, Alpha Kappa Alpha Sorority; J. Ernest Wilkins, grand polemarch, Kappa Alpha Psi Fraternity; Dr. Nancy Bullock Woolridge, grand basileus, Zeta Phi Beta Sorority; Belford V. Lawson Jr., grand president of Alpha Phi Alpha Fraternity, and Elmer Henderson, director of the council.

In addition there was food, and cocktails for those who desired to complete the ingredients of the good dinner, which ended with hundreds seeking a handshake from Judge and Mrs. Waring.

AT KAPPA KASTLE

Dinner over, a select group retired to the Kappa Kastle, 1708 S. Street, N. W., for a reception in honor of Judge and his wife, who graciously joined in cozy chit chats, hors d'oeuvres, punch and champagne.

Attending the reception were:

Dr. Frank Horne, housing official; George L. P. Weaver, Mr. and Mrs. Frank Davis, Madame Lillian Evanti, Dean and Mrs. George A. Parker, Mr. and Mrs. James E. Scott, Atty. George Windsor, Mrs. Mercedes Rector, Mrs. Marjorie McKenzie Lawson, and Attorney Lawson, Miss Selma Fisher, Mr. and Mrs. Lewis Mehlinger, Lawrence Reddick of Atlanta; Recorder of Deeds Marshall Shepard, Deputy Recorder of Deeds Oliver Thornton, and Mrs. Modestine Thornton.

Miss Elsie Austin, Dr. and Mrs. Millard Dean, Mrs. Florence Letcher Toms, Mrs. Dorothy Shaed Proctor, Miss Dorothy Height, Mr. and Mrs. John Hope Franklin, Mrs. Dorothy Porter, Mrs. Wood Gray, Mrs. Fay Milai Rucker, Dr. Rayford Logan, Broadus Wims, Dr. Garnet C. Wilkinson, Mrs. Laura T. Lovelace, William E. Doar of Brooklyn, N. Y.; E. Benjamin Horton of Louisville, Ky.

A special group of Baltimoreans included: Mrs. Over Gray, Mrs. Downs, Dr. and Mrs. Jenkins, Carol Blanton, Bernice Calloway Monroe, Leona Jackson, Linwood Koger and Eugenia Hardy.

Receiving also were ACHR staff members including the director, Mr. Henderson, the assistant director, Miss Patricia Roberts, and the secretary Mrs. Dorothea Stewart.

Shock Treatment for 'Dixie'

LAST Friday in New York City Mrs. J. Waties Waring, wife of the South Carolina Federal judge who rendered the historic decision killing the white primary in that state, told an audience of Harlem YWCA workers and executives that she believed the "shock treatment" in the fight for full civil rights for Negroes was more productive of results than the gradualist approach.

Mrs. Waring cited as proof the reaction to her startling speech before the Negro YWCA in Charleston, S. C. some weeks back.

While she and the judge were the recipients of the usual flood of obscene, crackpot letters, telegrams and telephone messages, it was the favorable reaction from Southern white people that surprised and gratified them.

So great and widespread was the reaction to the Waring "shock treatment" that many whites who had been remaining silent or on the fence have taken a definite position on the liberal side and are prepared to render active assistance.

This seems to be a persuasive argument, but perhaps there is something to be said on the other side: i.e., the side of gradualism.

In any event Mrs. Waring, a courageous, witty and intelligent Yankee who is dedicating her life to the removal of the color bar from every phase of American life, has started something in her demand that pussyfooting be stopped and that the challenge be met four square.

38a 1950 Mrs. J. Waites Waring

Impeachment Of Judge Waring Sought In S. C.

Atlanta, Ga. Daily Worker

WALTERBORO, S. C.—Petitions are circulating in this small South Carolina town which demand the impeachment of Federal Judge J. Waites, of Charleston.

Although reports from other sections of the Eastern South Carolina district indicated that the petitions were circulating elsewhere in South Carolina, there was no official denial or confirmation.

The positions claim that Judge Waring "has openly, through his wife, advocated dissension—on the part of the Negro citizens against the white citizens of South Carolina."

South Carolina representatives and Senators are asked to support the impeachment proposal.

Judge Waring declined comment on the petition which charge that he is particularly rendering himself unfit to adjudicate any case in which any white person is involved and most particularly in the event a court trial must be had between a person of the white race against one of the Negro race."

Judge Waring's wife lashed out last month against white supremacist. Addressing a mixed audience at the annual meeting of the Charleston YWCA, she averred that Southern whites are "decadent and morally low."

Judge Waring opened South Carolina's Democratic primaries to Negroes in a ruling on the white primary system.

Judge Waring Denounces Foes, Tells of Campaign

Charleston, S. C., Feb. 7 (AP).—Federal District Judge J. Waties Waring said today a "campaign of prejudice" is being waged to impeach him. He welcomed a comparison of his views with those of "The proslavery or white supremacy group."

Impeachment petitions reportedly are circulating through his eastern South Carolina district. They charge the judge, who opened South Carolina Democratic primaries to Negroes, "as openly, through his wife, advocated dissension, on the part of Negro citizens against the white citizens of South Carolina."

The judge's wife in a speech here last month called for an end to what she termed white supremacy. She asserted Southern white folk are "decadent and morally low." She is a Detroit native.

Today Waring answered a charge in the petitions that he is rendering himself unfit to adjudicate any case in which any white person is involved and most particularly in the event a court trial must be had "between a person of the white race against one of the Negro race." He said:

"I understand that the petition attacks my fitness as a judge because I do not believe in white supremacy. I welcome that explanation. I think that any judge or other Federal or State official who attempts to pass upon the rights of American citizens blinded by color prejudice is an unfit public servant.

"The fact that the petitions are being circulated in Colleton County attacking me and the democratic and American sentiments expressed in statements made recently by my wife, fit in unerringly with the two cross burnings this weekend in the same area. I welcome the comparison between these views of mine and those of the proslavery or white supremacy group as voiced by their spokesman of the Ku Klux Klan. The more light shed on this campaign of prejudice, the better."

LEADS FIGHT FOR CIVIL RIGHTS:

Mrs. Waring Vows to Pursue 'Cold War'

Afro-American

WASHINGTON

Declaring the government of South Carolina is "a replica of Russia" and that Virginia and States south of North Carolina imitate Russia "in their white supremacy policy and one-party politics," Mrs. J. Waties Waring, of Charleston, S.C., Saturday night, vowed to continue a "cold war" for civil rights for colored people.

Interviewed by four reporters, including Louis Lautier, National Negro Publishers Association's White House correspondent, on the television program, "Meet the Press," Mrs. Waring, wife of a Federal judge, lauded President Truman, criticized the press of the Deep South, and said she would continue to pursue "a cold war" for civil rights for all.

Called 'Damned Yankee'

A native of Detroit but of New England stock, Mrs. Waring is the wife of Judge Waring, U.S. District Judge, who outlawed the white primary in South Carolina.

"Although I was born in Detroit, I came out of New England, and because my stock is New England you Southerners call me a damned Yankee," she told a Southern reporter who asked her where she was born.

Asked whether she caused trouble because she is a New Englander telling Southerners what to do, Mrs. Waring said that "it would be better for forward-looking Southerners to lead the movement, but noeone speaks up. When no one speaks up, then the court has to take over."

'Afraid Not to Hate'

She added that her husband did just that in 1948 when he ruled colored persons could vote in the South Carolina primary, and said "No white person has put his foot in our door since the decision of the judge."

Mrs. Waring described her husband as "the man they are afraid not to hate," pointing out that many liberal-thinking whites are afraid to speak ot them because of fear of reprisal by their neighbors.

Mrs. Waring gained national publicity a month ago when she addressed the colored Charleston branch of the YWCA notwithstanding threats against her life if she did so. She told the YWCA delegates that Southern whites are a decadent group, "full of pride and complacency, introverted, morally weak and low."

Started Them Talking

On Saturday night, she told the reporters she felt such a shock treatment was needed in South Carolina and she would continue to pursue a "cold war" in Charleston for civil rights.

Asked what effect her speech had had on he rhusband, she replied that a movement was under way to have him imperached. "My husband welcomes an airing of the subject. That's why my speech has done good. It started them talking."

Mrs. Waring was asked whether she favored intermerriage between whites and colored, and she replied, "I see no reason, if they chose to, why they shouldn't."

Then she described South Carolina as "a replica of Russia" and said Virginia and States south of North Carolina imitate Russia in their white supremacy policy and one-Party politics."

Press Sinks to Low Level

Replying to a question on the attitude of the press in her locale, Mrs. Waring said, "The local press, the Deep South press I call it, has sunk below the level of the people."

She said the effect of her husband's decision has bee nto bring about many cases of appeasement, causing white people to give handouts to colored voters, "buying them, even putting them in an occasional public office." She estimated that about 200,000 would be registered to vote this year.

Asked whether either she or her husband has political aspirations, she said, "I am 55 and he is 70. It's late to start in politics."

(EDITOR'S NOTE: South Carolina no divorce law, but the State Legislature recently passed a law permitting divorces).

She praised President Truman as "the only President who has really spoken out for civil rights."

Friends Afraid to Speak

She was asked whether her interest in civil rights is a matter of revenge, and answered "It is not," adding that only a small handful of people in the State who believe in the tSate's no-divorce policy ostracized her and the pudge after each of them was divorced in order to marry one another.

Since her outspoken attitude on civil rights, Mrs. Waring said, "The tSate is now a complete blackout for us. No one dares to speak to us."

Mrs. Waring Again Lashes South

New York, Feb. 22 (AP) — Mrs. J. Waties Waring, Negro-rights crusader from Charleston, S. C., said today she was finding "soul refreshment" in New York.

The tall, blue-eyed housewife, who stirred up a turmoil recently with her attack on Southern whites, is here with her husband, Federal Judge J. Waties Waring. The judge is filling in temporarily in the Southern District of New York.

She recently called Southern whites "morally weak and low" and said it was up to Negroes to carry "the torch of culture and achievement in the South.

Ostracized In Community

Since that address at a Negro Y.M.C.A., Mrs. Waring said, not a single white person has called at her Charleston home. She has been completely ostracized in the community where she has lived since 1945.

"There's no hope of reasoning with the Southern whites," she said here. "They've all got the disease of supremacy. We've got to turn the spotlight of the world on them. Only force from the outside will help. We've got to get Congress to pass the civil-rights program and make them live up to it.

"There's been no advance except where it's been forced."

Mrs. Waring said she would prefer to stay home where she thinks most women belong. "But I'm in this because of the great wrong being done. I took fire when I saw nothing was being done for the Negro. It never occurred to me that after the people voted Truman in with a civil-rights program they wouldn't go ahead.

'Thought It Was Up To Me'

"We've let the Negro down. I couldn't look Negroes in the face. I thought someone would rise to help them and they didn't. So I thought it was upto me."

Mrs. Waring was born in Detroit.

South Carolina's House of Representatives has voted her and Judge Waring a "one-way" ticket out of the state. The State Senate, in an aparent attempt to disqualify him from office, is inquiring into the jurist's Florida divorce from his first wife.

REMOVE LEGAL BARS TO EQUALITY, JUDGE ASKS

NEW YORK, N. Y. — (SNS) — Judge J. Waties Waring, foe of the white supremacy doctrine, said here Saturday that the solution to the race problem in the South is "to remove all legal bars to equality."

In an exclusive interview in his chambers in the Foley Square court house, Judge Waring said:

"I see the solution of the race question as this-to force equality, to remove all legal bars to equality."

"This will require legislation and education," he said. "It will never cure itself by being let alone, by wishful thinking, by accession to the suggestions of the so-called Southern liberal who goes only half way, whose thinking is muddled, whose battle cry is "Let us alone, we will reform ourselves."

Although the distinguished barrister usually sits in the Eastern district of his native South Carolina he is now hearing cases in the Southern district of New York because his calendar is clear and that in the New York district is overcrowded. He is on a six weeks assignment here.

Relaxing in his chambers, the Judge said:

"I have never seen an alcoholic or an insane man cure himself. He needs medical treatment. And the best treatment for a mental disorder, I think, is shock treatment."

Judge Waring said that sitting on the bench crystallized his views against discrimination.

Quietly, the judge said:

"I was raised in the pattern of white supremacy. In South Carolina there is no other viewpoint now. In politics there was no question as to whether the Negro should vote.

"But when I became a judge I frequently faced problems affected by whether one was white or Negro. Any man with a true sense of justice recognizes the difficulty of meting out justice in connection with two classes of citizens.

"One class, whether the member is rich, poor, decent or a scoundrel, is called "mister" and his word is accepted. Every one of the other race is subordinate and second class.

"There are plenty of good people in the South who are kind to the Negro, who want to see him have a decent life as a matter of Christian charity. But most don't go so far as to want to give him the RIGHT to demand it as an American citizen.

"I saw it on the bench."

A native of Charleston, Judge Waring is a graduate of the College of Charleston, from which he received the A. B. and LL.D. degrees.

He practiced law in Charleston for several years, was Charleston corporation counsel from 1933 to 1942 and is a Mason, an Episcopalian and a Democrat. He delivered the opinion in Federal court which opened the South Carolina primary to Negroes.

Recently, petitions were circulated which demanded his immediate impeachment. Last week resolutions were introduced in the South Carolina legislature offering the judge and his wife "one-way tickets" out of the state.

But he refuses to compromise. With conviction he said:

"A jurist who reacts to race prejudice is not fit to serve on the bench."

$10,000 Fund Voted To Impeach Waring

South Carolina House Acts in Case of U. S. Judge

COLUMBIA, S. C., March 14 (AP). —The South Carolina House of Representatives voted today to put up $10,000 to finance the proposed impeachment of United States District Judge J. Waties Waring of Charleston.

The bill calling for the appropriation was introduced last week by Representative John D. Long of Union. The House vote on the bill today was on second reading. There was no debate. Third reading, expected tomorrow, ordinarily is routine.

Judge Waring's 1947-'48 orders opened state Democratic primary voting and party membership to Negroes. Since then, he and Mrs. Waring have been outspoken in behalf of Negro rights. Mrs. Waring has said she does not object to mutually agreeable interracial marriages.

Representative James E. Hare Democrat, of South Carolina, reported in Washington last week that a resolution to impeach Judge Waring had been prepared for introduction in Congress. Representative L. Mendel Rivers, Democrat of South Carolina, of Charleston who represents the district in which Judge Waring lives, would be the one to introduce the resolution, Representative Hare said the state delegation had agreed. Representative Rivers had no comment.

Mr. Long's bill says the resolution is based "on the grounds that he (Judge Waring) and his Northern-born wife have advocated a Negro revolution against white supremacy."

Negro Rights Backer, Ostracized in South, Finds 'Soul Refreshment' in New York City

NEW YORK, Feb. 22 — (AP) — Mrs. J. Waties Waring, of Charleston, S. C., crusader for Negro rights, said today she is finding "soul refreshment" in New York.

The tall housewife, who stirred up a turmoil recently with her attack on Southern whites, is here with her husband, Federal Judge J. Waties Waring. The judge is filling in temporarily in the Southern District of New York.

She recently called Southern whites "morally weak and low" and said it was up to Negroes to carry "the torch of culture and achievement" in the South.

Since that address at a Negro YMCA, Mrs. Waring said, not a single white person has called at her Charleston home. Se has been completely ostracized in a community where she has lived since 1945.

"There's no hope of reasoning with the Southern whites," she said here. "They've all got the disease of supremacy. We've got to turn the spotlight of the world on them. Only force from the outside will help. We've got to get Congress to pass the civil rights program and make them live up to it.

"There's been no advance except where it's been forced."

Mrs. Waring said her crusading doesn't "come natural." She would prefer to stay at home, where she thinks most women belong.

"But I'm in this because of the great wrong being done," she added quickly. "I took fire when I saw nothing was being one for the Negro. It never occurred to me that after the people voted Truman in with a civil rights program, they wouldn't go ahead.

"We've let the Negro down. I couldn't look Negroes in the face. I thought some one would rise to help them and they didn't. So I thought it was up to me."

Mrs. Waring, born in Detroit, married Judge Waring in 1945 and went to live in the South.

South Carolina's House of Representatives has voted her and Judge Waring a "one-way" ticket out of the State. The Senate is inquiring into the jurist's Florida divorce from his first wife in an apparent attempt to disqualify him from office.

Judge Waring is as unpopular as his wife with some residents of Charleston.

Two years ago, he opened South Carolina Democratic primaries to Negroes. That created an uproar. But, said Mrs. Waring:

"The whites adapted themselves to the vote for Negroes quickly. It was the quietest election we ever had."

NEGROES ASK FIGHT FOR JUDGE WARING

Special to THE NEW YORK TIMES.

CHATTANOOGA, Tenn., March 18—Delegates to the Southeastern Regional Conference of the National Association for Advancement of Colored People voted unanimous approval today of a resolution condemning the effort of "certain white citizens of South Carolina" to institute impeachment proceedings against Federal Judge J. Waites Warring of Charleston.

The resolution was introduced on the convention floor by the South Carolina delegation. It charged that the impeachment accusations were "trumped up" and that the people behind the move were "aiding and abetting the enemies of democracy and embarrassing our United Nations delegation before the eyes of the world."

A plan to introduce a resolution in Congress calling for the impeachment of Judge Waring has been under discussion. Judge Waring, who ruled that Negroes should be allowed to vote in Democratic primaries in South Carolina, made several public speeches against the practice of racial segregation in the South and recently declared that those who harbored racial prejudice were "mentally ill."

The conference delegates also called upon Negroes in the South to increase their number of registered voters and prepare to "combat at the polls the suggested alliance between reactionary Republicans and Dixiecrats."

Mrs. J. Waites Waring

WE ONLY FEEL SORRY FOR THEM:

'We're Determined to Destroy White Supremacy' -- Mrs. Waring

CHARLESTON, S.C.—Defying white supremacists who threatened her if she dared address the local YWCA, Mrs. J. Waties Waring on Jan. 16, charged that her critics were reacting as they were solely because of fear. The wife of the famous Federal judge who outlawed lily-white elections throughout the State, explained that both she and her husband felt sorry for those who threatened them.

"To them," she said, "we are like the atom bomb which they are afraid we will use to destroy their selfish and savage white supremacy way of life, and they are quite correct.

"That is exactly what the judge and I are doing, and they know it and see the writing on the wall."

Considers Audience Brave

Mrs. Waring, who had been asked by the board of the white YMCA to cancel her speech, said further that she felt it was very brave of her hosts to invite her to speak and brave of all those present to come to hear her.

Declaring that the white supremacists are only revealing their stupidity which "will hurt them and not us," she said further that if they were not afraid they would realize that there is another use for atomic energy, and that is for building and healing and restoring a civilized way of life.

"That is what the judge is trying to do for the good of the white people down here, as well as the colored."

Second wife of the eminent jurist, Mrs. Waring was attacked even before delivering the speech because of fear that she would denounce segregation, call white supremacy decadent and extoll the colored race for its marked progress. And she did.

In her speech before the YWCA, she said further:

"In his famous opinion giving the right to vote to the colored people in the primary elections in South Carolina, my husband said, 'It is time to get in step, it is time for South Carolina to Rejoin the Union'— that is what he is urging the white supremacists to do of their own volition, but when they resist only force will work.

"His wonderful opinions in the primary and injunction cases ring out in the clear call of the Liberty Bell and only those who are affraid of real freedom for all, of real democracy, have any cause to fear us. It is their guilty consciences that make them fear. . . . .

YWCA for Democracy

It is a particular privilege to speak to you from the YWCA as it is a great national organization that has ALWAYS STOOD FOR TRUE DEMOCRACY.

"The poor given the same attention as the more fortunate with no discrimination or segregation for or against anyone because of race, color, or creed.

"How well or how evasively this branch is following that rule and ideal is your affair and not a matter for discussion in this talk of mine.

"But I wish to repeat in passing that a prominent colored woman leader in civic affairs here who attended the national YWCA meeting in Atlantic City in March, 1946, has given me the book of the proceedings at that meeting and I do think it would be wise for all of you to inform yourselves on the stand they took against segregation and discrimination nationally and unanimously.

Recalls Dr. May's Words

"At that meeting your great and ever so good leader, Dr. Benjamin Mays, president of Morehouse University in Atlanta, said:

" 'But the world moves forward on the feet of those who walk the high road.

" 'Never does it move forward on the feet of those who walk the low road, and seldom on the feet of those who walk the middle road.'

Achievement a Good Topic

"This is also a personal pleasure to me to speak to you at the YWCA, and on the subject you have given me— 'Achievement.'

"Achievement of a serious nature has been formulating in my mind for a long time, a thrilling and wonderful achievement to observe and record. The great achievements of the colored race.

"It is increasing in its momentum, in its spread and in its speed, not only in the North where the colored man has more opportunity, and where what prejudice remains is not backed by law, as it is in the South, but also right down here in the deep South where the obstacles are so tremendous that it is amazing that you people can push them over or crawl around them and get your heads above the drag down the white supremacists try to keep submergingy you in laws and etiquette to keep you from rising.

"Today, I will speak of a few of your great and outstanding personalities. Some of whom from down here and went North, some of whom were born in the North or West and a few who remained or returned to work here, but who received their education away from the deep South.

"And don't forget that few of the outstanding were educated down here in the deep South.

"But I want to draw your attention to a new revelation to me that has been rolling up in my consciousness for the past year, and I have been eager to share it with you and that is why this invitation to me to speak on achievement came at a particularly auspicious time and seems like an answer to my prayer—my prayer to reach you and many others through you with the good tidings I have to bring you.

Spirit Not Broken

"That is, the great progress that is being made by you, even down here in the deep South, for I have seen it on every hand.

"Little people—even seemingly unimportant people — but no one is unimportant—young people most apparent.

"The white supremacist Southerners have done everything to break your spirit, but your spirits are forged in the furnace of persecution and shame and have risen triumphant; and all the world is behind you now to establish you in the rights and equality that is already yours, but only needs enforcing.

"And you all know this, and have the iner strength of conviction of right. The new day is dawning. You are a truly fortunate people and I mean to make clear to you now why you are fortunate.

No Real Setback

"A year ago, we suffered a setback by the filibuster on civil rights in the Senate. Traitors to your country blocking the expressed will and vote of the whole people in our country for civil rights.

"Very much like the Communists' behaviour in filibustering all measures to advance human liberty in UN, this alignment of revengeful Republicans with the fanatical white supremacy Dixiecrats.

"We feared this setback would discourage, if not break the spirit of the colored persons, particularly in the deep South, where you have been so suppressed.

United, On March

"But instead, there has been a tremendous rising up of the people all over the country, as a united body, white and colored, to take this matter into their own hands and see that justice is done and that we live up to the freedom we profess in our Christian churches—the rights of man—and the ideal of democracy we profess as a nation and preach to the rest of the world while we have dirty hands, especially down here in the deep and savage south.

"It makes me think of the old Chinese saying, to look at the other side of a penny. What appeared to be a dark cloud for the colored cause was instead a spur to fight for it with more general and greater strength.

"I have not time to remind you of all that has been taking place all over this country but briefly will touch on a few of what I think are high spots.

Dr. Buche's Achievement

"First and foremost, the great achievements of Dr. Ralph Bunche, so well-prepared in his knowledge and experience with far Eastern countries, to be the only man for that splendid job in Palestine.

"But as I told him when we first met Dr. Bunche last summer in Santa Barbara, Calif., where he spoke to an enormous enthusiastic audience—to me, the most wonderful thing he did came after his return here.

I refer to his speaking out with a cutting knife against the segregation he knew so well in Washington, where he had lived, whose pattern is taken from the deep South, due to the many powerful old Southern politicans' influence (from our custom of seniority in the Senate).

He Could Have Rested on Laurels

"It would have been so easy for Dr. Bunche to have sat back in his own achievement and appeased his conscience by knowing how much he means to the colored race in inspiration alone, and the pride and power from his position.

"He could have sat in his own gravy, so to speak, and had good excuse, as well as a rationalizing for not doing any more. But no, instead he speaks out at every turn against SEGREATION.

"Just a year ago this spring on the eve of our defeat in Congress, Dr. Mays spoke right here in Charleston in the Morris St. Baptist Church in this city, Charleston, the cradle of secession, where the Civil War was started and where the same sort of thing is again being agitated by our local paper to arouse the white people to a second secession.

Dr. Mays Not Afraid

"Dr. Mays opened a broadside attack here in the most beaten down area for the colored man of the South with these words, 'The Stigma of Segregation, I Rebel Against' — and proceeded to give the most erudite history of persecution throughout the ages, naming the great men in history and ending with my judge to whom he presented the award.

"And what is most important, you were all fired with zeal and courage to follow his brave commands to you. Dr. Mays is a wonderful man, and a wonderfully brave leader of your people.

Kept Out of Dixie Papers

"Since then, great things have been taking place all over the country, and in the colleges in particular. Segregation is now almost dead in the Northern colleges. And the young people are on the war path to see that it is enforced everywhere. "You get so little opportunity to read of these advances in our Charleston newspapers here, that suppress and censor all news regarding your race that is to your credit.

Our Court Victories

"Passing over the colored athletic heroes both in the professional baseball teams and also in the most exclusive football teams of our private colleges, let us come to the greatest achievement for the colored cause of all.

"The briefs that are being filed in the Supreme Court in the two segregation cases about to come up.

"Organizations of all kinds, such as the Southern Conference Educational Fund, are filing briefs, and finally one lawyer from South Carolina, Stephen Nettles of Greenville, has held up the name of South Carolina by putting his good name to that document signed by lawyers from most of the other Southern States as well as the rest of the country.

Churches Acting at Last

"But best achievement of all is the FEDERATED CHURCHES' RESOULTION AGAINST SEGREGATION, where it should come from and should have long ago. And they, too, are presenting these views to the Supreme Court on the segregation cases.

"That could not be supressed in your newspapers. The news that the churches are returning to following the teachings of Jesus in the South is heart warming indeed.

"Disgrace to the ones who remain out. Now this is a sketchy history of the tremendous rolling up of forces for good in this country but you may be surprised to have me say this is not what has thrilled me most.

Notes Courage, Dignity

"What is filling my heart with joy so that my cup is truly running over with happiness, and I want to share this with you, so you may repoice with me, is the strength and courage, the purpose and self-respect and dignity, the assurance I see all around me of the whole colored people even down here.

"The man and woman on the street, particularly the colored women. The rising tide of inspiration and self- assurance of the plain everyday person who has no desire or opportunity perhaps for public importance, but is spreading his influence all around.

A New Look in Women's Eyes

"There is a new look—not in the skirts—but in the eyes of the colored women I pass on the streets and meet in the homes.

"The schools I have visited are teaching more than just lessons of academic knowledge. I observe the teachers putting great stress on character and deportment.

"Outward demeanor often is a way to bring about inner self-respect and strength. I read much in the colored newspapers and magazines that teach and suggest subtly and often openly splendid examples or inducements about the little as well as big things that make a people grow upwards mentally, morally and physically.

"Spiritually, you have been way ahead of the white people for you have been living Christ's teaching of the Golden Rule—doing unto other as you would be done by—to the point of guileness, weakness and apathy and discouraged defeatism too often. But not so now.

"The general average is up and brave, though still kindly.

"Do you realize that truly a New Day is Dawning?—It is here and don't listen to those timid ones who speak of time as they have far too long—it is at hand and You must make the final push now or never.

A Glorious Time

"Colored people will shortly not be spoken of separately but will be human beings with the rest of us with our general and common weaknesses and strength, but we are now at the time for you people to be united as one, just as this country was in 1776. And that is a glorious time in the life of a people.

"Great spur to growing and helping each other up and up over the hurdles.

"Do you realize that it was only a little over 500 years before our American Revolution for Freedom from the Tyranny of England, in 1215, that the common man ever attained ANY rights, with the Magna Charta, in England.

"He always had to secure his rights by force, never by time or the fancy word so often misused, 'EVOLUTION'.

"It was Revolution that brought about evolution.

"This time it is a new type of warfare for you as well as the rest of the world, the modern revolution of a Cold War to attain the rights you already legally have, to enforce these rights.

In Springtime of Growth

"You are in the springtime of your growth, when great achievements are attained. You have already picked up the torch of culture and achievement from the whites down here.

"They are a sick, confused and decadent people. Like all decadent people, they are full of pride and complacency, introverted, morally weak and low.

"You are building and creating. The white supremacists are destroying and withholding.

"They are so self-centered that they are drawing the walls around themselves so close and high that they have become completely isolated from the rest of the world and have not considered themselves as a part of this country since the Civil War.

"So much is myth about that period and particularly the Reconstructoin period which has more lies than truth.

"The phobia and frenzy aroused by mention of carpet baggers and scallawags as a reason for white supremacy is like the Versailles treaty propaganda of the Germans as an excuse for Hitler's later atrocities.

"Poor excuse for the persecution of colored people—poor excuse for the Gestapo atrocities to the Jews. Ours is a Dixiecrat Gestapo, as one returned South Carolina soldier stated to our press.

"More Power to You"

"But the so-called Golden era is gone, though far from forgotten down here. They have sunk back into a slough of despond and fallen asleep, if not quite dead, on the imagined laurels of their ancestors.

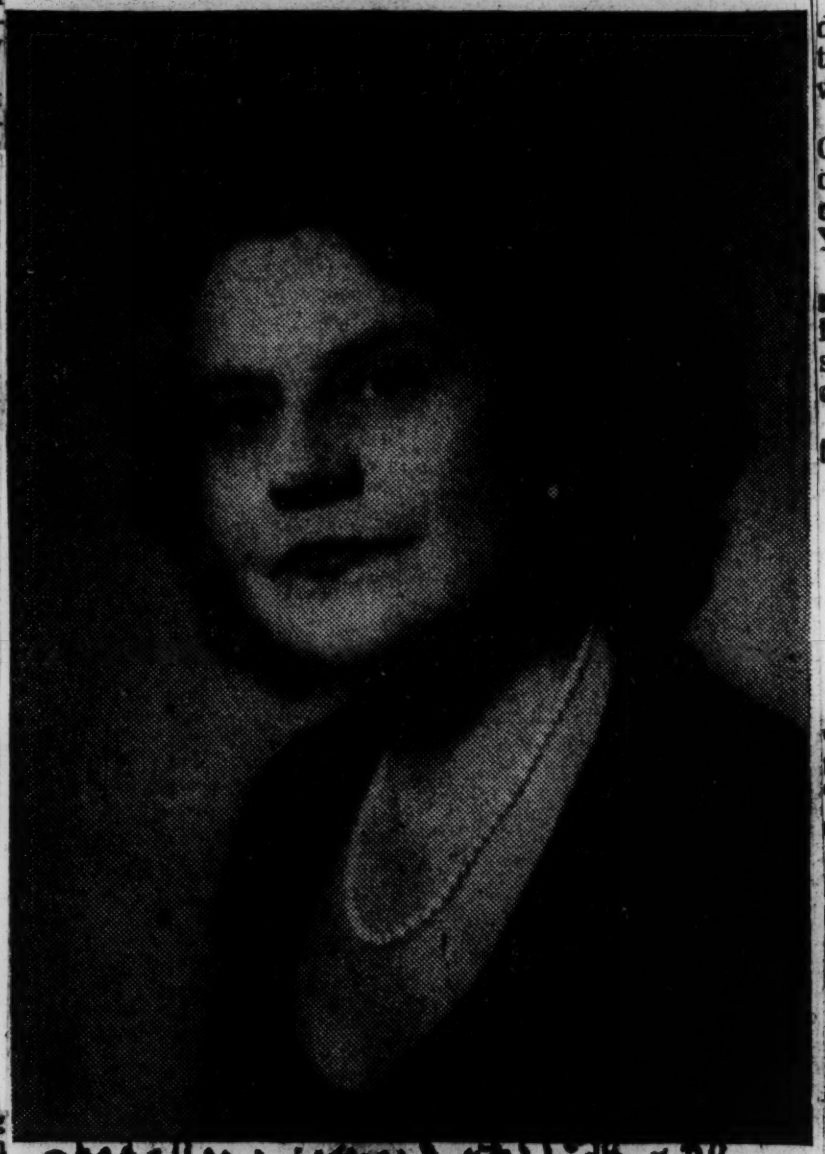
"But you are picking up the torch they have dropped and are forging ahead. More power to you and I am proud to be a part of your movement, for the great success and wonderful years ahead of you are close at hand.

"In the Charleston buses, where you are segregated to the rear there is a placard saying 'Respect the rights of others'—and bear this in mind, in the deep South where no one practices—least of all the bus companies—Christ's command 'To do unto others as you would be done by'.

"On this placard is a picture of some Pilgrims in prayer giving thanks for finding the Freedom they sought in coming here.

"Among other things, this placard admonishes 'Freedom is Everybody's Job'. Let's follow the bus company's admonition and right now. YES! FREEDOM IS EVERYBODY'S JOB!

'Whites Are Sick and Confused'



Mrs. J. Waties Waring, wife of South Carolina's famed Judge Waring, who threw the white people of Charleston in an uproar this week with her verbal lashing of Southerners at the annual meeting of the Combing Street YWCA branch. Judge Waring is known for his decision outlawing the S.C. white primary.

A Judge's Wife Speaks Out

When Federal Judge J. Waties Waring handed down his famous opinion giving the right to vote to all people in South Carolina's primary elections, we gave him high praise.

We are happy now to be able to praise that Charleston jurist's wife who, in the face of threats of violence, made a stirring speech against discrimination at last week's annual meeting of the YWCA in that city.

We hail Mrs. Waring as one of that increasing number of white liberals in the South who are willing to stand up and be counted; who refuse to sit supinely by, but prefer to be put on record as favoring human rights.

Said Mrs. Waring in advising her audience of the attempts made to keep her from speaking:

> We only feel sorry for them, for their stupidity, as it will hurt them, and not us, for it is apparent to everyone what their real motive is in not wishing me to speak —fear of the judge and me.
>
> We to them are like the atom bomb which they are afraid we will use to destroy their selfish and savage white supremacy way of life. And they are quite correct. That is exactly what the Judge and I are doing, and they know it and see the writing on the wall.

Mrs. Waring added that prejudiced and bigoted whites in the South or elsewhere should know that there is another use for atomic energy, namely "building and healing and restoring a civilized way of life."

We glory in Mrs. Waring's spunk. Her courage in speaking out in the very heart of the South certainly deserves our highest commendation. We are certain that she will find that the threats made against her and the Judge are empty ones.

Cowards who make threats such as these seldom have the guts to carry them out. We hope that Mrs. Waring's speech will receive wide distribution and that others, who in the past have been chained by timidity, will take it as a cue to break their bonds and to let their voices be heard.

Mrs. J. Waties Waring Undaunted By Blacklisting

Pictured here is Mrs. J. Waties Waring, wife of Federal Judge J. Waties Waring, who made history himself in 1947 when he ruled that the Democratic Party in South Carolina was not a private club and that Negroes could vote in the prmaries. Mrs. Waring touched off a spark when she spoke at the Negro YWCA in Charleston, S. C. and attacked white supremacy, segregation and lauded the Negro race. Since then, Jan. 16, not a white person has entered her Charleston, S. C. home. Mrs. Waring, along with the judge who is sitting on a bench here, is in New York getting her plans ready to renew the fight she has started.

Human Rights Citation For Judge and Mrs. Waring

WASHINGTON, D. C. —Both Judge and Mrs. J. Waties Waring of Charleston, S. C., will be present to receive a citation at the annual dinner of the American Council on Human Rights in the Willard Hotel in Washington on Friday, March 17, it was announced by Elmer W. Henderson, ACHR director.

The council is a cooperative program of the following Greek letter Sororities and fraternities: Alpha Kappa Alpha, Alpha Phi Alpha, Delta Sigma Theta, Kappa Alpha Psi, Phi Beta Sigma, Sigma Gamma Rho and Zeta Phi Beta.

PRINCIPAL SPEAKER

Judge Waring will make the principal address at the dinner. The United States District judge became famous for his decision to open the South Carolina Democratic primaries to all voters regardless of race or color. Mrs. Waring has been very outspoken in her views of equality of opportunity for all citizens. A petition is now being circulated in South Carolina by die-hard whites to remove Judge Waring from the bench.

The dinner will be held in connection with the annual meeting of the national board of directors of ACHR which convenes in Washington on Saturday, March 18.

Judge Waring told a Harlem church audience in New York Sunday that southerners are "obsessed with false doctrine of white supremacy. He is presently sitting on the bench in the Southern District of New York, which he has done yearly since 1943.

Judge Waring spoke at the Convent Avenue Baptist Church in one of a series of programs sponsored by the Harlem Interracial Platform.

The racial problem in the South, Judge Waring said is "not a Negro problem but a white problem."

"The white people of my part of the country are sick mentally, obsessed with the false doctrine of white supremacy," he said.

Approximately 800 persons heard Waring demand that the laws which make segregation "respectable" be eliminated.

He said the segregation problem is national, not merely sectional.

Pointing to the reports of the United States to speak on behalf of minorities on a world scale, he asked:

"How can the United States face the world and demand justice for minorities of the world when we have it (racial segregation) in our own back yard?"

His wife, who recently called Southern whites "morally weak and low" in connection with the racial discrimination issue, sat on the church platform with her husband.

SPOKE TO NEGROES IN CHARLESTON

Last January she spoke at the Negro Y. W. C. A. in Charleston. She condemned segregation and attacked white supremacy.

"You Negro people have already picked up the torch of culture and achievement from the whites down here," she said at that time. "They are a sick confused and decadent people."

She later said she feels "Woman's place is at home with her children, but I'm in this (controversy) because of the great wrong being done."

Waring Accepts Klan Challenge

Says U.S. Must Act After Cross-Burning

NEW YORK — Federal Judge J. Waties Waring decared here last Sunday after the Ku Klux Klan had burned a cross in front of his Charleston, S.C., home that it is time for the decent people of America to demand that their Government take steps to suppress such enemies to the American way of life.

Judge Waring was notified of the cross burning last Sunday by the colored bailiff of his Charleston Court, John Fleming, who said the crude cross had the letters KKK scratched on its base.

Declaring that the cross burning was the work of the Klan, Judge Waring, whose decision gave colored people the right to vote in South Carolina, said:

"This exhibition of the typical savagery of the Southern white supremacists proves that it is time for the decent people of America to demand that their national government take steps to suppress these real enemies of the American way of life.

"I happen to know from confidential sources," he continued, "that there are at least 800 Klan members in Charleston alone, and that groups have been holding frequent parades in different parts of the State. The Klan is more active in the State than ever."

Judge Waring and his wife both have come out flatly for the equality of all people in the South and in the nation. For this, they have been ostracized, criticized and threatened by Southern whites. He has also received many letters urging him to join the Klan.

"Whitewash" Anticipated

Mrs. Waring, who said that she and the judge will return to Charleston after Apr. 1, indicated that Judge Waring feels that Charleston officials will probably try to whitewash the cross burning as the work of pranksters.

The Waring home, Mrs. Waring said, is located at 61 Meeting St. in the very center of Charleston. The house is located near a church and is only a half block away from the Federal Post Office Building where Judge Waring holds court.

The non-sectarian, anti-Nazi league, an authority on Klan activities here, supported Judge Waring in his statement that the Klan is very active in South Carolina.

Judge Waring Says Supremacists Ill

NEW YORK—(NNPA)—Southern white supremacists are mentally ill and preoccupied with false doctrines which threaten the freedom of the world, United States District Judge J. Waites Waring, of Charleston, South Carolina, declared here last Sunday.

"We don't have a Negro problem in the South, we have a white problem," the 70-year-old jurist said. "It's hard for me to say it, but it's true. The white men in my part of the country are sick mentally, obsessed with their false doctrines."

Judge Waring, who ruled in 1947 that local Democratic organizations are not private clubs and colored persons cannot legally be barred from voting in Democratic primaries in South Carolina because of their race or color, addressed an audience of 800 persons who filled the Convent Avenue Baptist church to capacity. He spoke for a Harlem Interracial Platform sponsored by the Baptist Educational Center.

A program of "gradualism" for achieving civil rights for colored people, the jurist said, is "the most dangerous doctrine of our age." He urged his audience to protest the limitation of minority rights and to bring pressure on government officials at all levels.

HELP NEED CITED

"We in the South need your help," he said. "We've got to have it. The cancer of segregation will never be cured by the sedative of gradualism. An operation is necessary, and you can send us the doctors."

Comparing Southern believers in gradualism with alcoholics and victims of mental disorders, he said they all want to be left alone to solve their own problems, but this kind of treatment has never worked.

Judge Waring appealed for enforceable civil rights legislation "When an autocratic, despotic and undemocratic group withholds the vote from any body of citizens, then it's time for somebody—a President a judge, or maybe even policeman—to come along and straighten it out," he said.

The primary election in 1948, in which colored persons voted as a result of the judge's decision, was "the quietest election we ever had in the State of South Carolina," despite predictions that "blood would fill the streets of our cities," he said.

"The lesson of that is: If you tell them what to do and if you make them do it, it's going to come out all right. When you create a decent and proper situation, when you find the right status quo, people accept it and they behave themselves."

Dr. Horatio S. Hill, director of the Baptist Educational Center, presented a scroll to Judge Waring in recognition of his services in the cause of civil rights. The Rev. O. Clay Maxwell, pastor of the Mount Olive Baptist Church, presided.

Glories in Earning Hatred of Bigots

Both Justice, Wife Want Equality for All Now, Flay 'Gradualism' Idea

By JAMES L. HICKS

NEW YORK — Colored Americans must be recognized as American citizens with the equal opportunity to make good if they have it in them, or to fail if they are not good enough to make it.

They should be freed of the handicaps around them in the form of discriminatory laws.

They need help from the rest of the nation and they can not afford to wait for the benefits of the so-called "gradualism" which may take 100 years or more.

These are the words of United States Circuit Court Judge J. Waties Waring—spoken to this reporter, last Friday, in an exclusive interview which the distinguished South Carolina jurist granted the AFRO-AMERICAN in his chambers here on the 23rd floor of the United States Court.

Believer in Men's Equality

The six-foot, 170-pound native of Charleston, S.C., where most white people do not shake hands with colored ones, greeted this reporter with a warm, gripping handshake.

It was not the handshake of the professional politician. Judge Waring believes that all men are created equal.

He has backed up his belief with the Constitution of the United States, despite the fact that this has cost him the friendship of most white people in his native State and has made him one of the most hated men in the white South today.

"I am hated," he said to me, "because I won't belong to the 'Let Us Alone School' of the South."

Since Jan. 16 he said, not a single white person in his home town of Charleston has paid a social visit to his home, because both he and his wife have let the world know that they believe in the equality of mankind.

For Democracy Now

Judge Waring wants equality for colored people and he wants it now. He views the Southern idea of "gradualism" as the greatest single danger to the progress of colored people today.

He looks upon as charitable and is opposed to such Southern ideas as the so-called "regional school" plan for segregated education in the South. "Regional schools," he said "are very tempting, but if colored people accept them it will take decades to get rid of them."

He is also aware of the phony liberals both in the North and South and of our own "Uncle Toms."

It is very tempting to a young colored medical student, Judge Waring said, to have a State say to him that it will send him away to get his medical education.

But if the student accepts such a plan, he immediately becomes a person who has "sold out" his race, he asserted.

Constant Fight Urged

"Colored people," he went on, "must keep up a constant fight for their rights—not for charities."

Judge Waring is the son of a Confederate war veteran. During his early life his only contacts with colored people were with the servants around the household. His nurse was an ex-slave.

He received all his education in Charleston, being graduated from Charleston College, which in 1949 had 394 students and 23 instructors.

When I asked what made him the liberal that he is today, Judge Waring had the answer: It was the civil rights cases which came before him in his courts and the national trend toward liberalism on such matters.

Gave Teachers Equal Pay

The first of such cases raised the question whether colored school teachers were entitled to the same rates of pay as white school teachers in South Carolina.

Judge Waring ruled that they were and ordered the State to pay them.

He said this case did not make him too unpopular, because it did not hit the bulk of white people in South Carolina.

Then came the case of a colored student applying for admission to a white law school. While the case was pending, the State set up a separate law school.

The "big one," as Judge Waring put it, came after the courts had held in the Texas case of Smith vs. Albright that a primary election was part of the State's election machinery.

South Carolina Democrats repealed all their laws governing their primaries and formed themselves into a "private club," which barred colored people and denied them a right to participate in the primary elections.

Rules Primary State Matter

The move was contested in the courts; and when it came before Judge Waring, he ruled that the primary was an integral part of the political entity of the State.

His ruling was appealed, but the Appeals Court affirmed Judge Waring and the United States Supreme Court refused to interfere.

Judge Waring said this last ruling provoked wide comment and ill will against him in the South, but that the next year the same group was in court before him again.

This time, he pointed out, they were attempting to require colored people to have registration certificates not required of whites in order to vote.

They also asked all colored voters to sign an oath stating that they were in opposition to FEPC and believed in the separation of the races.

Enjoined County Chairmen

When this came to court, Judge Waring struck down the oath and its qualifications and ordered that colored people be permitted to register and vote the same as whites.

To enforce this order he issued an injunction against 80 county chairmen and the commissioner of the State party, and he announced that any violation of the injunction would be a contempt of his court.

He followed this with a warning that anyone found in contempt of his court would be sent to prison rather than fined.

"We had no violations," he said "but that was when I became the man they loved to hate."

Sitting in New York

Judge Waring is sitting on a New York bench here to help clear up a backlog of cases in this Federal District. Both he and his wife look upon their visit here as an opportunity for "soul refreshment" away from the hatred of South Carolina.

Judge Waring said these threats have come from the Ku Klux Klan and other white supremacists of the South.

He displayed no fear however, and has already indicated in letters of letters to him might attempt to make good their threats.

to a YWCA group in Charleston speeches here that he and his wife which rocked the South and will go on fighting.

brought threats of bodily harm to her and Judge Waring.

Mrs. Waring, who is as liberal and militant as her husband, is a native of Detroit who has lived in Charleston since 1945, the year she was married.

The judge is fond of the theater, likes serious books and hearing Mrs. Waring read to him.

Waring Says Force Needed To Ease Bias

MINNEAPOLIS, Minn.— Judge and Mrs. J. Waites Waring were enthusiastically received by several hundred members and friends of the Minneapolis Urban League, who attended the 24th Annual Meeting of the organization at Coffman Memorial Union Ballroom, University of Minnesota, on Thursday March 30. Judge Waring (of the U. S. District Court, Charleston, S. C.) served as the main speaker for this occasion, at which time the Annual Report of activities of the Minneapolis Urban League was submitted and new officers elected.

In a message delivered to his audience, Judge Waring admitted that all communities have their problems of human relations. He admitted that Minneapolis, undoubtedly, had its share of problems of this nature, but he stated that we should also know about and become concerned about problems in other areas of the country, which are much more serious.

The judge said it was a pleasure to be in Minnesota where he could breathe freely and enjoy the kind of association with his fellow man as was provided by this meeting. He cautioned that progress was being made even in the South, but that it was altogether too slow in the face of national events and the international crisis, precipitated by the need for us to sell the democratic ideology to other peoples throughout the world.

Judge Waring stated that his experience had convinced him that prejudice was similar to a disease, and that those who insisted that the South should be let alone to solve its own problems are comparable to the insane person who insists that he is normal or the alcoholic who insists that he is not drunk. The history of the efforts on the part of Southern states to nullify laws which would establish equal treatment of all United States citizens is an illustration of the determination on the part of that section of America to perpetuate virtual slavery through the institution of segregation, according to Judge Waring. The "equal but separate" doctrine is a myth, as demonstrated in the recent appropriation of nine million dollars of public funds for hospital facilities for white people in his city of Charleston as compared to $150,000 of funds, which they hope to secure from private subscriptions to provide a hospital for Negro citizens.

The remedy for this situation, according to Judge Waring, is the force of public opinion, the force of the executive, legislative, and judicial branches of the government. He cited, for example, the cases brought in Federal Court to equalize the salaries of Negro and white teachers in keeping with their relative training and experience which have produced results.

"The people of the South are not going to voluntarily give up segregation." Judge Waring said, "as is well illustrated in the reaction to this (S. C.) decision in 1948 when two procedures were established to enable individuals to register." The one for white people was a simple process of registering, but the one for Negroes was a requirement to take an oath which would, in essence, state a belief in segregation and opposition to fair employment legislation. "Any Negro who took such an oath," according to Judge Waring, "would have been either a liar or a scoundrel." To deal with that situation another case was brought before him, the outcome of which was an injunction instructing the 87 defendants, who were officers and committee chairmen, to reopen the books for registration of all citizens. Violation of this injunction would have subjected these defendants to possible jail sentences. The newspapers declared that "blood would flow in the streets" as a result of this decision, but, according to Judge Waring, it was the quietest election that he has seen in his entire life time.

Judge Waring said further that. "It is a source of sadness and great humiliation to be vilified by one's former friends and relatives for standing upon what one believes is basic justice."

Charleston Snubs Civil-Rights Judge

Waring Pays For His Beliefs With Lonely Life

Charleston, S. C., April 20 (AP)—Strong-willed Federal Judge Julius Waties Waring lives in a dual world.

Among fellow South Carolinians, Judge Waring generally is regarded as the most bitterly denounced man in recent Palmetto State history. Elsewhere, outside the South, the 69-year-old judge and his Yankee wife are hailed as courageous champions of civil rights for the Negro race.

The judge strongly denies claims made by many persons that he advocates social mixing and intermarriage of the races.

"I'm not advocating any law to make any race associate with another. That is for the individual to decide. All I want is to abolish legal bars to association.

Calls Gradualism False God

Judge Waring says his basic philosophy is: "If a man is entitled to civil rights now, then he shouldn't have to wait forever to get them.

"Gradualism is a false god. The only way to meet the issue is to meet it head on."

He believes force is the only way to get civil rights for Negroes.

"But force doesn't mean soldiers and bayonets," he was quick to add. "It means orders signed by the President and the courts.

"I have observed that if you throw the races together by such force and create a status that is right, they will come to accept it and be proud of it.

Rubbed Salt In Wounds

"People learn to live by law, and learn to like it."

After his now-famous ruling on Negro suffrage, he said, there were violent cries of revolution and talk of blood running in the streets.

"But we had the quietiest election I've seen in my life," he said.

Judge Waring incurred the wrath of South Carolina's white-supremacy advocates with his rulings in 1947 and 1948 that Negroes must be allowed to vote in the State's primary elections.

Amplifying these precedent-shattering orders, the judge rubbed salt in the wounds of outraged South Carolinians by declaring it was "time for South Carolina to rejoin the Union" and adopt the American way of conducting elections.

In 1945 the judge alienated himself from his own social class. After 32 years of marriage, his Charleston wife got a Florida divorce and he married

Judge Waring

Mrs. Waring

a twice-divorced woman. Until last year South Carolina did not permit divorce.

Heaps Coal on Fire

His rulings and his marriage have isolated Judge Waring—a lifelong Democrat and eighth-generation Charlestonian — and his wife from the rest of South Carolina. For several years no white Charlestonian has set foot socially in their gracious gray stucco home.

The second Mrs. Waring, who is in her 50's, has heaped coals on the fire in recent speeches. Detroit-born, pretty, and exuberant, she has exhorted the South's Negroes to a Cold War "to attain the rights you already legally have." She has denounced segregation and termed Southern whites "sick, confused, and decadent people . . . full of pride and complacency, introverted, morally weak and low . . ."

The South Carolina House of Representatives voted to buy the couple a "one-way" ticket to any place outside South Carolina. A cross with K.K.K. scratched on the bottom was burned in front of the Warings' home. Some 20,000 citizens signed petitions demanding impeachment of the judge.

Denounced by Rivers

South Carolina Governor J. Strom Thurmond, 1948 presidential nominee of the States' Rights Party, commented that Mrs. Waring "speaks for the Trumanites in South Carolina."

The South Carolina Sheriffs Association adopted a resolution accusing the Warings of uttering "frequent statements that seem coldly calculated to wreck vengeance upon a people, who, in his mind, have been convicted of decadence."

On the floor of the national House of Representatives April 6 Representative L. M. Rivers charged that Waring "has publicly advocated the use of force by a minority group to obtain its objective." The next day Waring replied that the charge was "a malicious lie" by Rivers, who represents the Charleston district. Waring added that Rivers represented a "sabotaging, filibustering minority group of white-supremacist Dixiecrats."

When lightning struck the house next to the Warings' summer cottage on Sullivan's Island beach, the neighbor tacked up a sign:

"Dear God, he lives next door."

Amid the tempest, the tall, graying judge works in his book-lined office in Charleston's Federal Building. He sees a blessing in disguise in these stirrings of unrest.

"These actions attract attention," he explained. "The eyes of the nation see what kind of people these so-called master-race white supremacists are."

Waring said the U. S. Government already has achieved a great deal of progress in breaking down racial barriers and declared:

"I firmly believe the rest of the nation is going to heal us. I feel that the South has got to be cured; it needs treatment just as does an alcoholic or mental patient.

"American delegates in the United Nations are being asked by other nations, 'Where is democracy in South Carolina and Mississippi?'"

The judge asked, "How are we going to plant the garden of democracy in the world until we clean up our own little dirty back yard?"

Despite the hatred flung at him and his wife, Judge Waring said he hadn't become bitter.

"My full realization of the right and wrong of it has come to me since I have been on the bench. By being a judge, it seems to me I have gradually acquired a passion for justice."

Judge Waring Expresses Gratitude for $1000 Offer

Doubts Dixiecrats Will Try to Impeach Him, Will Accept Money If Necessary

PHILADELPHIA — Judge J. Waties Waring, militant South Carolina jurist, expressed profund appreciation to the legal committee representing citizens of Philadelphia who pledged financial support in his fight against impeachment efforts of Dixiecrats, who oppose his liberal views on race.

In a letter dated May 4, to Raymond Pace Alexander, prominent local attorney, Judge Waring stated, "It is difficult for me to tell you how deeply moved I am by this wonderful action on your part."

A resolution pledging $1000 to the jurist's cause and signed by the legal committee representing citizens of Philadelphia, the YWCA, and the North Philadelphia Civic League, was presented Mrs. Waring when she appeared as forum speaker at the YWCA recently.

It was in response to this resolution that Judge Waring wrote Attorney Alexander.

Members of the legal committee who framed the Resolution, were Mr. Alexander, David Berger, Nathan Edelstein, Julian Goldberg, Eugene Rhodes, and Theodore O. Spaulding, all attorneys.

Considers Threats Idle Ones

Judge Waring said in his letter to Mr. Alexander:

"The various clauses of the resolution express a fine spirit of Americanism of which I wonder if, but hope, I am worthy.

"I believe that the threats of impeachment proceedings are idle gestures and mouthings on the part of a blatant Congressman from this district.

"While I am not a man of strong financial resources, and if impeachment proceedings were commenced, would have to call upon friends for assistance, nevertheless, I feel sure none of these funds will ever be used.

Will Ask If Necessary

"But I cannot tell you how deeply I appreciate your offer, and know it is done so sincerely, that if an occasion should arise by which I should need help, I would take the liberty of notifying you and ask you to help me.

"I can make no greater expression of appreciation than saying that.

"I would ask that you show this letter and express my appreciation to all the members of your committee and through them to all the fine people of Philadelphia who have expressed a desire to take part in this movement."

Judge And Mrs. Waring Honored By Negro Groups

BEAUFORT, S. C.—(INS)—Federal Judge J. Waites Waring and his wife, on whose lawn a Klan cross was burned a few months ago, were the guests of honor today at an open house held in a Negro physician's Beaufort home and attended by 200 Negroes and several white people.

Local Negroes donated everything from chickens to flowers to the party for the Judge whose decision in 1948 opened the South Carolina party to all races.

Mrs. Waring had aroused the anger of many Southerners shortly before the fiery-cross incident. In a speech to a Negro audience, she called Southern whites "decadent."

This afternoon, the Warings visited both white and Negro beaches at Hunting Island State Park.

On their way back home to Charleston, S. C., the Judge and Mrs. Waring stopped briefly at Mount Carmel Baptist Church in the small Negro community of Lobeco. They were greeted by a large group despite the rain.

JUDGE, MRS. WARING AMONG 1949 WINNERS OF GUILD AWARDS

Noted Charleston Pair Cited For Stand; Threatened By Petitioners

NEW YORK — Judge and Mrs. J. Waties Waring of Charleston, S. C. were among the 14 Americans to receive citations and awards for outstanding services during 1949, it was announced here Thursday.

A story in the N. Y. Herald Tribune, March 2, disclosing the additional tributes to the Warment during 1949 in a number of fields of public activity were voted yesterday by the awards jury of the New York Newspaper Guild at a luncheon meeting in the Tavern-on-the-Green, Central Park West and Sixty-seventh Street.

The awards consist of a bronze stick of type citing the individual winner for his contribution, and the citations are engrossed on scrolls. They will be presented at the Guild's fifteenth annual Page One Ball on April 14 at the Astor.

The winners are as follows:

Public Service: Joint award to **U. S. District Court Judge and Mrs. J. Waties Waring of Charleston, S. C., for their campaign** against race discrimination in the South; citation to Dr. Albert Einstein for promoting public understanding of atomic energy and the hydrogen bomb.

Science: Joint award to Dr. Philip S. Hench and Dr. Edward C. Kendall, of the Mayo Clinic, Rochester, Minn., for their work in the isolation of cortisone and discovering its therapeutic value in rheumatic disorders.

Journalism: Award to Meyer Berger of The New York Times, for his account of the Howard B. Unruh murders in Camden, N. J.; citations to John Crosby and Red Smith, of the New York Herald Tribune, and William L. Laurence, of The New York Times.

Sports: Award to Jackie Robinson of the Dodgers; citation to Ben Hogan.

Music: Award to Fritz Kreisler, who celebrated his seventy-fifth birthday on Feb. 2.

Theater: Award to "The Cocktail Party" and its author, T. S. Elliott; citation to Maurice Evans.

Books: Award to John Hersey for "The Wall."

Motion Pictures: Award to "All the King's Men."

Art: Award to the Metropolitan Museum of Art for encouraging contemporary American artists.

Radio: Award to the "Boo on Trial' 'program of st WMGM; citation to statio WQXR for outstanding music programs.

Musical Comedy: Award to Rayy Bolger, star of "Where's Charley?"

Special Awards: "The New Yorker" magazine on its twenty-fifth anniversary; the Committee on Designs for the United Nations Headquarters building and the architect, Charles Le Corbusier, on whose work they principally relied, and John Dewey for his life-long contributions to philosophy and education.

Southern Author Thinks Jurist's Wife Is Doing Harm to Negroes

AUGUSTA, Ga.—"You remind me of a child playing with dynamite caps," wrote Indiana-born author Edison Marshall to Mrs. J. Waties Waring in an open letter recently published on the front page of the Augusta Herald, local daily. Mr. Marshall declared that Mrs. Waring's statements on Southern treatment of Negroes are doing Negroes more harm than good.

Author Marshall, who penned many top novels between 1920 and 1941, and is now living here, tried to temper his dissertation on his reactions to Mrs. Waring's remarks advocating intermarriage between the races. But he was unable to keep from disclosing once again that ever-present fear of Dixie: Negro men and white women.

And, at the same time, Mr. Marshall did not fail to develop the idea that the "vice versa" idea—white men and Negro women—a standard feature of slavery time operations, was quite all right.

"Let us examine, for a moment, the institution of segregation," writes Mr. Marshall. "By that institution, children born to white fathers and colored mothers join their mother's people. It was instituted and enforced by the original white settlers in the South and it obtains this day," he wrote.

"BUT WAS SEGREGATION necessary in the first place? Although widely misused for white economic gain, what was its original purpose"? he asks. Here is how he tries to answer his own questions:

"The answer is perfectly plain. Segregation is an institution to prevent intermarriages between colored and white people. As such it was approved by the best Southern mind. It is a social law primarily for the maintenance of two races in the South as opposed to the destruction of both.

"In other words, according to Author Marshall's reasoning, it's all right for white men to sire children by Negro women to help swell the Negro race, but another thing for Negro men to sire children by white women to swell the "white" race. We'll give the Negro "a break," seems to be his thought, but we'll make sure to keep 'em in their "places."

But the 56-year-old author really went overboard in "telling off" Mrs. Waring.

* * *

"THE COLORED PEOPLE are not fools—it is people like you who make them out so—and instead have a deep feeling for what is best for them in the long run," he said

"You have undone no small part of the good work of fifty years," he charges. "You have again sown seeds of discord between colored and white people. I charge you with being too ignorant of the South to know how to befriend the Negro. Evidently you know nothing of Southern history. A great many of the ills Negroes have had to endure stem from carpet-baggers making similar statements in the Reconstruction. You remind me of a child playing with dynamite caps.

"Finally," declares Mr. Marshall, "in my opinion, you too well fill the description of a carpet-bagger. They were a main cause of antagonism between white and colored people since the War Between the States, we shall know them."

* * *

But, regardless of what Mr. Marshall wrote about Mrs. Waring and her views of the race picture, one thing was definitely obvious: the white South is sitting up and taking notice of what she has said, for the Augusta Herald devoted two full columns of its valuable front page space to the Marshall letter on Mrs. Waring's remarks. She's certainly got 'em a-thinking!

STORMS SOUTH'S BASTILLE:

Force Can Break Race Bars--Mrs. Waring

RICHMOND

"Force is the only thing that will work" to break down the barriers in the South that keep people apart on the basis of race and color, force being the only language that the white supremacists understand, Mrs. J. Waties Waring told an audience here Sunday.

Mrs. Waring, who spoke under auspices of the Richmond Committee for Civil Rights in Amalgamated Hall on W. Broad St. to more than 200 persons, was backed up by her husband, Judge J. Waties Waring, a Federal District Court judge at Charleston, S. C., who also spoke briefly.

Scoffs at Dire Prophecies

Pointing to the dire predictions made by white supremacists as to what will take place if various phases of segregation and discrimination are outlawed by court order, Mrs. Waring urged her listeners to pay no attention to such drivel.

She asserted that Judge Waring used force to back up his ruling in the South Carolina lily-white primary case, opening the primary to colored voters, adding that "blood did not run in the streets of Charleston or any other place in South Carolina."

Decrying the hate that has been instilled in the breasts of South Carolina whites against colored people, she dubbed it a mental disease that you cannot "cure with sweet reason or psychoanalysis," adding that the "only treatment is the shock treatment."

Mrs. Waring was introduced by Mrs. Marvin Caplan and Judge Waring by the Rev. Robert L. Taylor, vice-chairman of the committee, who presided. John T. Drew, co-chairman of the membership committee, headed by Mrs. Caplan, welcomed the new members.

Hazel Scott's Race Ban Plea Wins Damages

SPOKANE, Wash.—(AP)—Negro pianist Hazel Scott was awarded $250 damages yesterday by a jury which found she had been denied service at a restaurant because of her race.

Miss Scott had sued Mr. and Mrs. Harry Utz, former owners of a Pasco, Wash., restaurant for $50,000. She alleged she was denied service at the Utz restaurant Feb. 11, 1949, solely because of her color.

The jury of three women and nine men—all white—deliberated 15 hours.

Hazel Scott Wins

LAST WEEK the wife of Congressman Adam Powell, Hazel Scott, won $250 in damages from a restaurant which had denied her service in Spokane, Washington. The jury held that she had been discriminated against because of her race in violation of the civil rights law.

We are happy over the verdict we believe Miss Scott deserves a big round of applause for pressing the case. Too often our celebrities are reluctant to stand up for their civil rights because of the trouble and inconvenience, the time and money it involves. They take the line of least resistance and leave the fighting for those who are least prepared to win a round for the race.

Hazel Scott is a gifted artist who fully understands the plight of the Negro. She knows that no Negro, however gifted and important, is exempt from the ravages of racism. Prejudice against Negroes may be difficult to root out of the mind and hearts of many whites but acts of discrimination can be stopped. We congratulate Miss Scott for her action which will redound to the benefit of all of us who are discriminated against because of our color.

Forced To Vacate Seat On Interstate Train

ATLANTA, Ga. — A colored woman passenger, enroute from Phoenix, Ariz., to Raleigh, N. C., was ordered from a coach in which white passengers were riding to a car for Negroes by a Seaboard Air Line passenger representative aboard the Silver Comet last Monday.

Miss Annie Mae Rich, home demonstration agent, North Carolina extension service, of Rich Square, N. C., had to vacate Car 24-B in Atlanta and was moved to Car 21-B (all Negro) by the railroad agent.

Miss Rich boarded the Silver Comet in Birmingham and was directed to Car 24-B by a car attendant. She refused to move up to the Negro coach in front of train while traveling between Birmingham and Atlanta. Only after discovering that her seat ticket calling for space in Car 24-B was for her westbound trip to Phoenix did she agree to occupy a seat in the Jim Crow coach. She had failed to purchase seat space from Birmingham to Raleigh on the return trip.

The Silver Comet, crack Seaboard train between Birmingham and New York, requires a nominal charge for seat space in coaches.

Miss Rich said she rode from Phoenix to Memphis in a non-segregated coach, but was put in a separate car for Negroes by the Frisco before leaving Memphis for Birmingham. Change to the Seaboard was made in the Alabama city.

In line with a policy recently inaugurated by the Pennsylvania Railroad in New York, trains to the South providing through coaches with reserved seats usually do not impose segregation on Negro passengers from the North traveling below Washington.

It has been found, however, that trains from the South to the North almost invariably compel Negroes to occupy separate coaches, despite a decision of the U. S. Supreme Court in the Irene Morgan vs. Virginia case, outlawing segregation in interstate travel on buses.

Airlines To Bar Jim Crow

NEW YORK (ANP)—Edward E. Edwards, chairman of the New York State Commission Against Discrimination, announced last week that the Airline Pilots Association, Council 29, AFL, here, had given assurance to the Commission that all applicants for membership would be given equal consideration and admitted to membership on the basis of their qualifications, without regard to race, creed, color, or national origin.

The association specifically agreed not to use photographs in considering membership applications and to discontinue its practice of inquiring into the birthplace of such applicants.

This latter question had been used to assist the association in establishing the citizenship status of propective members. An alternative quetion regarding U. S. citizenship will be used instead of birthplace in order to obtain this necessary data.

Asks $100,000 In Rail Jim Crow

Courier Sat. 10-1-50

WASHINGTON—(ANP)—The Interstate Commerce Commission was called upon last week to ban the use of jim-crow cars on trains running between states.

The request was made by Lillie Bell Perez of New York who claimed that she had been discriminated against by being forced to go into a car provided for Negroes while traveling through Virginia en route to Tampa from New York two years ago.

DEMANDS $100,000

When arriving at Wildwood, Fla., Miss Perez said she and many other Negroes were forced to leave the train and board another for the remainder of the journey while no white passengers were compelled to leave.

The New York passenger filed a $100,000 damage suit against the Pennsylvania and Seaboard Air Line Railroads, joint operators of the "Silver Meteor" on which she made the trip.

The petition contended that the circumstances of this trip was a violation of the Interstate Commerce Act which forbids "any undue or unreasonable prejudice or disadvantage" among railroad patrons.

The Cold War In Race Relations

THE failure of the BOOTHE bill authorizing the appointment of a race relations study commission in Virginia was the occasion for more surprise than the failure of the BOOTHE bill to repeal the laws governing segregation on the common carriers. There was considerable expectation that the Virginia General Assembly would look favorably upon a competent study and report on race relations in the State even if it rejected any change in segregation laws at this time.

Almost fifty years have elapsed since strict segregation of the races in all walks of life was established by legislative statutes in Virginia. It would seem logical, after nearly a half century, to re-examine the operation of the laws, as well as the conditions which purported to have been the basis for their adoption.

There are many strange contradictions in the social thinking of Virginians. One of the strangest of these was the opposition to the appointment of the commission by former GOVERNOR COLGATE W. DARDEN, now president of the University of Virginia, who approved the proposal to modify segregation in travel.

About the middle of his term, former GOVERNOR TUCK appointed an Advisory Commission on the Virginia Economy. While this body has set up a sub-committee on education, its chief concern has been with the development of the State's natural resources. MR. BOOTHE had an excellent suggestion for some much needed exploration of the State's human resources. We do not imagine that the commission would have confined its studies to Virginia's Negro citizens.

MR. DARDEN expressed the opinion that the Governor's legislative advisory committee is sufficient to advise the Governor, or the General Assembly on race relations and to make recommendations on any action needed.

"Race relations" is a polite term that covers every phase of Negro life in the Southern states. From the cradle to the grave Negroes are bound by certain inhibitions and restrictions that do not affect other segments of the population. These restrictions reach into their homes, schools, churches, business places, recreation, travel, work and working conditions, voting and all other civil rights, and they operate around the clock.

In the past seventy-five years, despite proscriptions and restrictions, Negroes have advanced educationally and economically, and have developed an extraordinarily able leadership. They have outgrown both the patterns and the garments that were fitted to them 50 years ago by a political regime seeking vengeance and a redress of grievances for which Negroes were not responsible.

A "race relations" situation now exists in which no politically appointed legislative advisory committee or comparable body composed entirely of members of the white race can, with justice and wisdom, make arbitrary decisions as to what should be done affecting the total lives of Negro citizens. There can no longer be any just solutions of problems affecting Negroes unless some Negroes have a voice—at least a minority voice — in the making of decisions.

The proposed seven-member interracial commission would have been a logical approach to a matter in which the total population of the State, and not just a ruling political regime, has an interest.

NAACP Speaker Flays Boothe Bill Opponents

NORFOLK — Speaking at a mass meeting at First Baptist Church, Bute street, Sunday, Feb. 26, at 4:30 p. m.. Dr. Harry Penn expressed bitter disappointment and disgust at the undemocratic procedure used in Richmond by the Courts of "Justice" Committee in killing the Boothe bills.

The Roanoke dentist and chairman of the Virginia Civil Rights Organization, who was the main speaker at the meeting sponsored by the local branch of the National Association for the Advancement of Colored People, said at the outset: "I didn't come to Norfolk to praise anyone." He added that he was going to speak of our shortcomings.

Dr. Penn bluntly told his audience of over 500 people that there is too much "ignorance among Negroes and whites," too much "complacency among Negroes," and a lack of understanding of our vital problems." We need to wake up and put in practice the advice speakers give us, Dr. Penn said.

CONDEMNED NINE MEN

The speaker, who was introduced by James Gill, instructor at the Norfolk Division Virginia State College, condemned the nine men who voted behind closed doors against Delegate Boothe's anti-segregation bill on common carriers as "men who do not have respect for their fellowmen."

Referring to Patrick Henry's immortal speech "Give me liberty or give me death," Dr. Penn said he, too, does not cherish life without liberty. He added that "we Negroes must take it upon ourselves to teach and educate white people" to practice brotherhood and to respect their fellow-men which, after all, he explained, are based on the principle of Christianity.

Improving race relations and teaching brotherhood, Dr. Penn said, "can't be done by one race. It can be accomplished only by both races working together." Advising against physical violence, Dr. Penn pointed out that Negroes must attack their civic, political and economic problems through educational campaigns.

ALL CAN HELP

Dr. Penn scored those who sit idly by and say "let the other fellow do the work. All can help," he said, but he warned that nothing can be done without unity and cooperation. "There are too many divisions among Negroes," the speaker said, adding that no matter who begins a project, all should get behind it and help to make it a success. He warned that Negroes will never win the things they want until they are willing to sacrifice time, thought and money for them. "We must get our thinking straight on our problems," he said, "or we will not get anywhere."

W. Lester Banks , executive secretary of the Virginia State Conference of NAACP Branches, gave a brief address on the state program and its organization. Other speakers were Melvin E. Diggs, supervisor of District No. 1 Virginia State Conference; H. A. Marshall, state youth supervisor; and Dr. C. E. Griffin, outgoing branch president.

Mr. Diggs, who is in charge of the annual membership drive, said the drive will begin proper the last of March. He appealed for support of the drive. Mr. Marshall emphasized the importance of NAACP youth groups and said Virginia has 20 youth groups. He has invitations to organize five groups in different sections of the state, he said.

DEEP IN RED

Dr., Griffin and Mr. Banks stressed the need for money in the NAACP locally, in the state and at New York headquarters. The Norfolk branch is deep "in the red," Dr. Griffin said. G. W. C. Brown, chairman of the program and leader at the meeting, called for $300 when Dr. W. L. Hamilton and Dr. James R. Johnson Jr., took charge of the collection. They collected $191.91.

Mr. Banks installed the new officers for this year who were elected at a recent branch meeting. Dr. W. B. Westbrook, pastor of New Central Baptist Church, Berkley, heads the official list as president.

Miss Marion Knox and Miss Delores Clark of the Booker T. Washington High School sang solos. They were accompanied by Mrs. Daisy Holmes. Chairman Brown conducted a discussion period at the close of the meeting on what to do about civil rights and the manner in which the Boothe bills were defeated.

Boothe Bills Killed Slyly; Voting Closed To Press

RICHMOND — Virginia lost its first opportunity in a half-century to lead the South in better race-relations and human rights when the Courts of Justice Committee of the House of Delegates last Friday killed the historic Boothe Bills, failing to vote the measures out of committee for action on the floor of the House by the close vote of 9 to 7.

Killed by the pressure of strong, silent opposition, the bills, introduced by Delegate Armistead L. Boothe of Alexandria, were designated to improve race relations by repealing the state laws requiring segregation on public carriers and establishing a commission to work toward easing racial friction.

POSTPONED TWICE

Speculation had it that the fair travel bill would have passed by a one-vote margin had the committee voted on it Thursday. The postponement of the vote to Friday is thought to have been a maneuver to allow the opposition a chance to high-pressure the marginal vote. The first postponement was from Wednesday to Thursday.

Two committeemen from Norfolk, Delameter Davis and Walter A. Page, were among those voting for the bill. The others voting favorably were Delegates Gibson, Moncure, Dodson, Cochran and Pollard.

The committee murdered the Boothe bills by stealth. After ejecting reporters from an executive session, it voted on the bills without notifying the writers that the executive session had ended.

"TECHNICALLY" OPEN

Chairman J. J. Williams of Henrico county, holding that the meeting was technically open to reporters, said that a page had been instructed to unlock the door. However, the newsmen waiting in the hall did not hear a lock click, and they were near the door. The vote was ascertained by an individual check of committeemen as they came from the committee room.

The vote on the bill to set up a state race relations commission was lost by a greater majority than the transportation bill. Although the counter stopped registering votes against the commission bill when the number reached nine, it was learned by poll that the vote would have been 10 to 6 against the measure if the full count had been recorded.

Delegate Boothe said that he may introduce similar legislation next year. He has apparently declined to try getting the bills through by making a motion on the floor that the committee be discharged and the bills brought to the floor. There appear little prospects that the committee will reconsider its action.

Paradoxically, while these bills were dying behind closed doors some Virginia legislators were worrying if the Federal courts are about to rule segregation in itself unconstitutional. The strongest argument Mr. Boothe presented for his bills, from a political approach, was that they would help to forestall "dictatorial civil rights" laws from the federal government to the states.

"In Virginia, the Mother of Presidents, the birthplace of the Bill of Rights, behind closed doors of a committee room, in secrecy and darkness because of the shame in hearts that have at least enough decency to be ashamed enough to do it in the darkness—a bill was killed that would have given some measure of encouragement to a group of our citizens who are striving to become first class citizens."

DO-NOTHING BOYS

And from his home in Charlottesville, Col. Francis Pickens Miller, who lost in Democratic gubernatorial primaries to John S. Battle last August, borrowed from President Truman his "do-nothing" phrase and applied it to the men who killed the Boothe bill.

Said Col. Miller:

"If Virginia ever loses all authority over its own affairs, responsibility for that catastrophe will rest squarely on the shoulders of the do-nothing boys."

He said further:

"The only way for us to maintain any semblance of states' rights is to exercise those rights. In Virginia, this means that we as Virginians must assume responsibility for adjusting our laws from time to time as conscience and public convenience may require."

"Failure to do this is equivalent to abandoning the field to Federal intervention . . ."

Similar sentiments were being expressed by less outspoken or prominent Virginians, in number great enough to suggest that the "influential, powerful reactionary opposition" did not reflect the true climate of Virginia on the segregation issue.

In the words of Col. Miller, "These do-nothing boys (civil rights die-hards of the powerful Byrd organization) are the men who have destroyed the moral and intellectual leadership of the Democratic Party in Virginia."

During the public hearing on the Boothe bill Monday, Feb. 20, not a single opposition speaker appeared. Mr. Boothe asked twice for a show of hands of those opposed to his measures. This would indicate that the opponents of the rights plan were working silently, but effectively on committeemen.

That's How Christ Died," Says Rector

Miller Says Action Hastens Doom Of 'Machine' Die-Hards

NORFOLK — Virginians were expressing shock and dismay this week at the "'secret" killing of the Boothe anti-segregation bills by a 9-7 vote by the Courts of Justice Committee of the Virginia House of Delegates last Friday.

One Norfolk minister, the Rev. Beverley T. White, rector of St. Andrew's Episcopal Church, from his pulpit Sunday expressed indignation at the civil rights "doublecross" in these words:

Nonsegregated Travel

Although the Boothe bill to end racial segregation in public transportation has been killed by the Virginia Legislature, the amount of support it gathered was indeed heartwarming. No less a figure than former Gov. Colgate W. Darden, jr., now president of the University of Virginia, indorsed the move. Mr. Darden's opposition to such segregation is highly practical; as Governor he observed that the law was not enforced during the war, and that the friction it caused was "dangerous, difficult and unnecessary."

As a matter of fact, it is for such practical reasons, rather than on moral grounds alone, that progress is being made in many other aspects of race relations in Virginia. The inconvenience of laws requiring segregation in transportation and in public places makes no sense. The same may be said of most of the humiliations forced by law on a large segment of Virginia's citizens.

Actually, as Benjamin Muse pointed out in his column on Virginia affairs in this newspaper the other day, Mr. Boothe merely voiced courageously the feeling of many persons who are ashamed of the legal monuments to race prejudice. It may well be, in fact, that the Legislature has lagged behind the thinking of the public. Attitudes, to be sure, cannot be legislated, but if the artificial obstacles to better race relations are removed, in all probability other adjustments will take care of themselves. In this respect the race relations commission envisioned by Mr. Boothe, properly staffed and working quietly without publicity, should assist in removing tensions. The defeat of the Boothe bill must be counted only a temporary setback, for the fact that it provoked a great deal of serious discussion is an encouraging sign of a growing trend.

CHAMBERS OVERFLOWED:

Anti-Jim Crow Bill Hearings Draw 2,000

38 b

RICHMOND

Approximately 2,000 persons, representing all sections of the State and both races, overflowed the chamber of the House of Delegates and jammed the corridors of the State Capitol Monday afternoon for a hearing on the Boothe Anti-Jim Crow Bills.

The courts of justice committee, which conducted the hearing, adjourned at its close until 11 a.m. Tuesday, taking no immediate action on either of the two bills, one to repeal the jim crow laws on transportation and the other to set up a State race relations commission.

Ten speakers, seven of them white, were heard in favor of the bills during the committee hearing that lasted a little more than an hour, but not one voice was raised in opposition, although an hour had also been set aside for that purpose by the committee.

In addition to those heard by the committee, there were a large number of others including members of both races, who were on tap to speak. Delegate Armistead L. Boothe, chief patron of the bills, asked that such persons present give their statements to the clerk for the record.

Others Anxious to Talk

Among those who had desired to be heard, Mr. Boothe named Mrs. W. T. Mason and Mrs. W. Shands Meacham, both of Norfolk, and Mrs. Wilson M. Brown and Mrs. R. B. Sampson, both of Richmond, all outstanding in the communities in which they live.

Mrs. Mason is a Norfolk teacher, Mrs. Meacham, wife of the publisher of a Norfolk daily; Mrs. Brown, wife of the vice-president of a local bank and Mrs. Sampson, president of the Virginia Federation of Colored Women's Clubs.

Speakers heard were:

Bishop Henry St. George Tucker, (retired), white, of the PE Church, who favored adoption of the bills on "Constitutional, moral and practical grounds."

Dr. W. L. Ransome, pastor of First Baptist Church, who asked the solons to adopt the "Christian approach" and repeal an "un-Christian law."

"Let Carriers Do It"

Mrs. R. Finley Gayle Jr., white, civic and religious leader, who said there may still be some areas in the State where jim crow laws are needed, but urged that "we let the carriers, not the State," handle these situations.

P. B. Young Jr., Norfolk editor, who said many colored citizens, long-suffering and patient, are now beginning to "lose both hope and patience" and cited the bills as the State's chance to prove that Virginia's practice of democracy is "somewhat akin" to what her leaders say it is.

Dr. Luther P. Jackson, Virginia State College history professor, who urged abolition of the law because it no longer serves its purpose—making colored people feel inferior to whites—but is a source of humiliation and annoyance to both races.

Mitchell Star Witness

Robert T. Mitchell of Alexandria, white, vice-president and general manager of the Alexandria, Barcroft and Washington Transit Company and immediate past president of the Virginia Bus Owners' Association, who proved to be the star witness of the hearing.

Urging repeal for practical reasons, he told the committee that his company stopped the practice of segregation after the Supreme Court decision in the Morgan Case and has not had a "single complaint about seating since that time."

Prior to that time, he said, his company had numerous complaints from passengers over seating and "about 10 or 12 suits brought against it each year." He assured the group that any such complaints would come to his desk and he now gets none.

Shipbuilder for Repeal

J. D. Woodward, white, general manager, Newport News Shipbuilding and Dry Dock Company, who qualified himself as an "expert witness," by describing the workings of his own little FEPC in the plant which employed as many as 30,000 workers during the war years.

Then, Mr. Woodward expressed his convictions: "The Federal Government is already poised to take action that could best be taken by the State itself. I believe the time has come to do away with segregation in interstate transportation as has already been done in interstate transportation."

Miss Adele Clark, white, Richmond Junior Council and Northern Virginia Council of Catholic Women, who described herself as a "bus rider of many years standing," with emphasis on the STANDING.

She asserted that she had seen more ill will and misunderstanding created as the result of "scramble for seats" provided under the law for the two races in Virginia than she has "ever seen outside the State, in States where people are permitted to sit in any seat available."

"Christian Thing to Do"

Miss Roberta Welford, white civic and club leader, who urged repeal because she feels that it is the "practical, Christian and honest thing to do" and to "encourage our colored leaders who look to us for action."

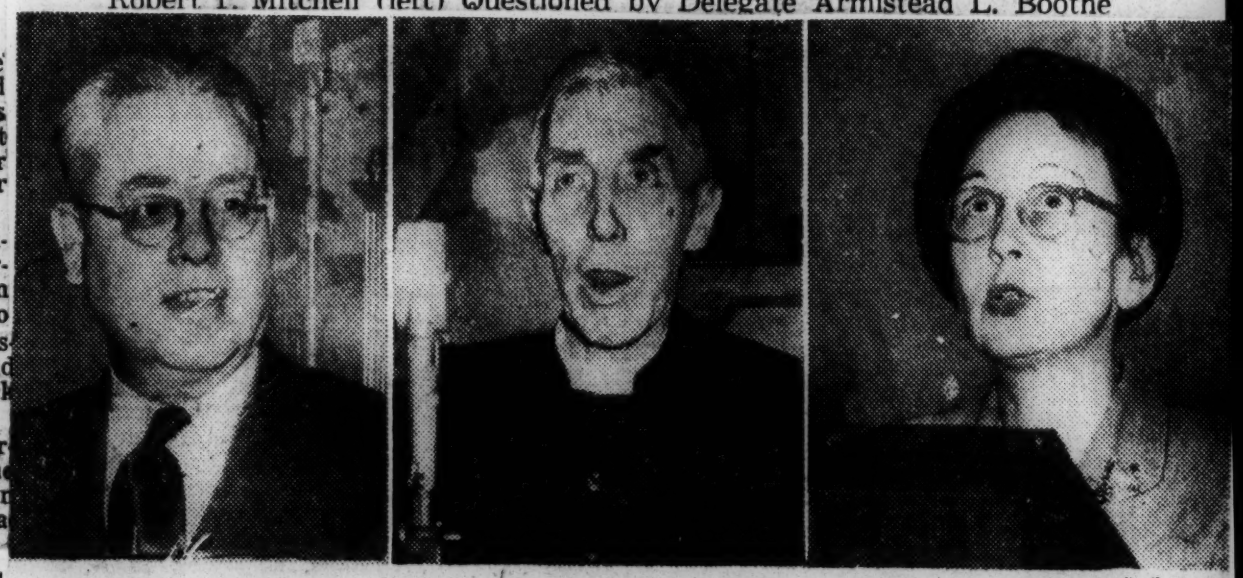
Only evidence of opposition within the 17-man committee considering the bills was a question from Delegate J. B. Boatwright as to whether proponents would be satisfied if the thing was reversed and "white people put in the back seats?"

Delegate J. J. Williams Jr., chairman of the committee, promised the group that the bills would be given that body's "most careful consideration."

—Staff Photo

Northern Virginia Bus Official Testifies Nonsegregation Works Well

Robert T. Mitchell (left) Questioned by Delegate Armistead L. Boothe



—Staff Photos

Speakers Urge House Group to Report Boothe Bills on Segregation, Race Study

Left to right: R. T. Marsh, Jr., Bishop H. St. G. Tucker, Mrs. R. Finley Gayle

Boothe Renews Attempt to Set Up Commission

Delegate Armistead Boothe, of Alexandria, yesterday began his second attempt to establish a State commission on race relations.

His first resolution, proposing $1,000 be set up to finance commission activities, was killed by the House Appropriations Committee. The bill yesterday, however, asks no appropriation.

Nine members would be appointed to serve by the Governor, with at least one representing the Senate and one the House of Delegates. The other would represent the State at large.

The commission would "consider economic, educational and other problems affecting race relations in Virginia." It would report to the Governor and the General Assembly not later than September 1 preceding each regular session of the Assembly.

The bill was cosponsored by Delegates McMurran, of Warwick, Dodson and Rutherford, of Roanoke city, Cochran, of Staunton, and Lincoln, of Smyth. The proposal was referred to the House General Laws Committee.

Segregation Hearing Gets Record Crowd

A dozen speakers, both white and Negro, yesterday urged the House Courts of Justice Committee to report favorably bills to repeal segregation laws affecting public carriers and to establish a State commission on race relations.

Not a single opponent of the measure spoke up at a public hearing conducted by the committee in the hall of the House of Delegates.

An unsegregated crowd packed the House floor and galleries and overflowed deep into the corridors outside. It was predominantly of Negroes, but included a liberal sprinkling of whites. House Sergeat-at-Arms Lovick P. Law estimated it was the biggest turnout of the 1950 session—bigger even than last week's hearing on Milk Commission decontrol bills.

Action Yet to Come

The committee arose without acting on either measure. Chairman J. J. Williams, Jr., said it would allot 15 minutes Wednesday to hear a summing-up by Armistead L. Boothe, of Alexandria, chief patron of the two bills. Wednesday's committee session will not be a public hearing, he emphasized.

Civic, church, industrial and education leaders of both races spoke at yesterday's hearing. They invoked constitutional, religious, legal and practical reasons in their pleas for the committee to report and thereby let the full House membership pass on both bills.

Boothe spoke first to explain his bills after Chairman Williams announced proponents and opponents each would be allowed one hour to present their cases. No hand was raised when Williams asked for a show of how many opponents wished to speak.

Proposals Explained

Boothe explained the antisegregation bill would repeal sections of the code which subject Negroes to prosecution on misdemeanor charges for violating segregation requirements in intrastate transportation on buses, railroads and steamboats.

The other would have a nine-member commission appointed by the Governor to "consider economic, educational and other problems affecting race relations in Virginia." It would report its findings and recommendations periodically, not later than September 1 of each year preceding regular sessions of the Assembly.

Boothe explained that none of the latter bill's patrons—they include Delegates Boothe, McMuran, Dodson, Cochran, Rutherfoord, Daniel and Lincoln—wishes to serve on the commission.

He said there were "moral, constitutional and practical reasons" for enactment of the segregation repealer—among them, "to lift a humiliation off 20 per cent of our citizens," and to pledge the State's good faith in a field where questionable Federal intervention looms.

Former Bishop Backs Bills

The Rt. Rev. H. St. George Tucker, former presiding bishop of the Episcopal Church in this nation and State, said both bills are "obviously desirable." He favored them on grounds of principle, because "segregation violates the fundamental principles on which this country was founded"; on ground of "expediency," because ". . . if the Commonwealth doesn't take some action, then action will be taken outside of Virginia"; and on practical grounds, because an end of segregation would make things easier on crowded buses, he said.

Dr. W. L. Ransome, of Richmond, Negro Baptist minister and a candidat •efor the House of Delegates here last Summer, asked the committee to take "the Christian approach" and repeal an "un-Christian law."

He hoped the committee would not "pigeonhole" the bill for expediency's sake, to avoid putting all House members "on the spot." It would be democratic to report the bill and "let the result lie at the door of the whole Assembly," he said.

Lists "Great" Steps

Killing the bill would hurt, rather than help the Democratic party in Virginia, he reasoned.

Save for the Byrd anti-lynching bill, Virginia has done nothing for race relations in 50 years or more, Dr. Ransome added. Negroes "look to Washington" and the Federal courts for just that reason, he explained. He listed "three great human rights" that have come lately from Federal courts: teacher salary equalizations, participation in Democratic primaries and elections in Southern States, and an end to segregation in interstate travel.

Robert T. Marsh, Jr., of Richmond, vice-president of the First and Merchants National Bank, said passage of the bills would be "commonsense action" to save discomfort and confusion. He pointed out Virginians of both races are "moderates" and that the pending bills proposed no changes in laws against intermarriage and requiring separate schools.

Mrs. R. Finley Gayle, Jr., of Richmond, told the committee the segregation law is "completely unnecessary." She pointed out there is no segregation on sidewalks, in elevators, in stores, in Community Chest and City Council activities. The bills would mean nothing drastic, she added.

Boothe read a letter from Henry E. McWane, of Lynchburg, industrialist and ex-president of the Virginia Manufacturers Association, endorsing the bills.

P. B. Young, Jr., editor of the Norfolk Journal and Guide, Negro newspaper, said the bills give Virginians a chance to "prove that the practice of democracy is somewhat akin to Southern leaders' protestations of democracy." He said retention of the segregation law would "humiliate, brutalize and offend" thousands of people, that its enforcement is often "harsh and extra-legal" by "little Hitlers."

Bus Line Record Cited

Dr. Luther P. Jackson, professor of history at Virginia State College, also urged an end to the segregation on carriers. He said he constantly suffered humiliations in riding buses between Petersburg and Richmond.

Answering questions by Boothe Robert T. Mitchell, vice-president of the Alexandria, Barcroft and Washington Coach Company which operates buses between Washington and Northern Virginia, told of that line's experiences before and after it installed nonsegregation policies. It ended segregation after a 1946 Supreme Court decision voided segregation in interstate commerce.

Whereas formerly the company had many "complaints and discussions" arising from segregation enforcement, including "eight or 10" court cases a year, not a single "complaint or incident" has reached it since nonsegregation began, Mitchell said.

Time Runs Out

J. B. Woodward, president of Newport News Shipbuilding and Dry Dock Company, endorsed the legislation as head of a company which employs a large number of Negroes and which has "most satisfactory" race relations with no discrimin tions.

Miss Adele Clark, of Richmond, endorsed the bills for Richmond and Northern Virginia groups of Catholic women.

spoke briefly.

Miss Roberta Wellford also Boothe noted then that the proponents' time was up and said he did not wish to trespass on the committee's time. He read the names of other supporters of the bill, who were on hand to speak, including Mrs. William Shands Meacham, of Norfolk; Mrs. Wilson M. Brown, of Richmond, YWCA president, and several others.

Chairman Williams said he regretted the committee did not have more time to hear additional speakers but it had more than 100 bills to handle. He assured the audience the bills would receive "most careful consideration."

Virginia Affairs

Segregation Losing Popularity

38 Post-Inq. 2-19-50

By Benjamin Muse

PROBABLY no matter before the Virginia General Assembly is being more talked about than the Boothe bill to repeal the law which requires Negroes to squeeze their way through the white passengers and take seats in the back of buses and streetcars, and to travel in separate cars on trains. It is the bill, in other words, for the elimination of segregation on common carriers.

MUSE

And the talk, if it could be polled and tabulated, would probably be encouraging to those who feel that they are "sticking their necks out" on this issue. This is one of those cases in which an enlightened minority is supposed to be pitted against an ignorant and prejudiced majority. The average legislator agrees that it is both idiotic and evil to force a Negro — even though he may be a distinguished scholar or scientist—to take a back seat and permit any kind of member of the white race to sit in front, but he assumes that his constituents haven't reached that degree of enlightenment. He says sagely that it will take more years of education and evolution to prepare the masses of white Virginians for such a civilized view of race relations.

If the legislators don't watch out, they will soon find that evolution is proceeding more rapidly among the masses than it is in the General Assembly.

More Virginians every day are coming to feel that race prejudice is a thing to be ashamed of. Every recent step to repudiate it has been welcomed by the public. White fans cheered a Negro playing football on the Harvard team at the University of Virginia stadium and they cheered a Negro football star playing on Richmond's own team in Richmond. A Negro has proved one of the most respected members of the Richmond City Council. Preachers meeting in the Virginia Council of Churches solemnly endorsed the Boothe legislation; the newspapers of Richmond, Norfolk, Newport News and Alexandria are unhesitatingly for it.

Age Lines Important

ELIMINATION of segregation in the public schools is not seriously considered, but a very large element of just plain folks—perhaps a majority—are ready to do away with the nuisance of segregation on common carriers.

Race bigotry in Virginia runs pretty close to geographic and age lines. The age line between prejudice and tolerance is roughly 40 years. Virginians over that age are inhibited by lots of memory and tradition, but a rapidly increasing number of the younger folks think all of this race business is silly.

Prejudice is most acute where Negroes are most numerous. In Southside Virginia, where Negroes frequently outnumber whites, and where Negroes were actually on top during brief periods of the Reconstruction, the sentiment against relaxation of segregation laws is deeply ingrained. Legislators from counties where Negroes are a majority of the citizens (though a tiny minority of the voters) may be expected to orate passionately against the Boothe legislation. Timorous colleagues, who know better, will let them have their way just because they are afraid.

So the anti-segregation bill will not pass this time. But a great deal of progress has been made. The ice has been broken, and segregation on common carriers will be eliminated with little difficulty in 1952. With it will probably go also an even more embarrassing relic of Reconstruction psychology—segregation in publicly owned meeting places.

Boothe Gains Attention

ALL OF WHICH focuses attention on a very up-and-coming member of the House of Delegates by the name of Armistead Lloyd Boothe, representative of Alexandria. The 42-year-old legislator placed himself behind an unsuccessful attempt to set up a commission to study race relations during his first term as a Delegate, in 1948. Now in his second term he is the tactful but earnest leader of the movement for racial tolerance and understanding.

Boothe has a background which suggests a broadminded approach to the problem. Like Francis Pickens Miller (whom he fought in the gubernatorial primary), he is a Rhodes scholar; he got his law degree at Oxford.

Armistead's father is Gardner L. Boothe, chairman of the Eighth District Democratic Committee and old party and organization warhorse. At 77 he can personally remember Reconstruction Days, but his generous outlook knows no age deadline. Dad is wholeheartedly behind Armistead in his courageous fight.

WHITE PASTORS FAVOR NO SEGREGATION IN TRAVEL

By-Thomas L.Dabney

Norfolk - Virginia's laes requiring segregation of the races on common carriers would be wiped out tomorrow if some of the white citizens of the state had their way about.Seven of ten white ministers of Norfolk contacted this week for their opinion on these laws said they favor repeal affecting public transportation. The ministers were asked their opinion on the Boothe Bill to repeal the state's segregation laws on common carriers which will be considered in public hearings beginning Monday,Feb.20,under the direction of the courts of Justice Committee of the House of Delegates. ....

(See Folder) Journal and Guide
Norfolk, Va.
Sat.Feb. 25,1950

SURPRISING SUPPORT FOR BOOTHE BILL.

Weighty names added to list of Bill advicates.

By- James N. Rhea

Richmond,Va. *Odds against the Booth Anti-Travel Segregation Bill dropped sharply Monday when previously unpublicized, but weighty names and organizations joined the measure's older supporters at a public hearing before the Virginia House of Delegates Courts of Justice Committee.
.....

(See Folder)

Journal and Guide
Norfolk,Va.
Sat.Feb. 25, 1950

Press Report Called Wrong on Race Bill

By Richard Morris
Post Reporter

Richmond, Feb. 27.—The press was guilty of "unfair criticism" in reporting the death of the controversial Boothe race relations bills Friday, the House of Delegates was told today.

The House Courts of Justice Committee "had no desire whatsoever for secrecy," said Chairman J. J. Williams, of Henrico, speaking on a point of personal privilege.

By "insinuating that it violated the rules of the House by voting in executive (secret) session," he added, the press gave an "erroneous impression" to the people of Virginia.

Press Account Outlined

Several reporters gave the following account of the voting, which killed bills sponsored by Delegate Armistead L. Boothe, of Alexandria, to abolish segregation on common carriers and to establish a State race relations commission.

The committee considered the bills in executive session behind locked doors. One of several reporters waiting outside asked the committee clerk to announce the end of the secret session. First indication that a vote had been taken was when a committee member emerged after adjournment.

(Williams said at the time he had instructed a page to "unlock" the doors before the committee voted.)

By questioning proponents of the two measures, reporters determined how the whole committee stood in killing the antisegregation bill 9-7 and the commission bill 10-6.

Session Ended at 10:55 A. M.

Today, Williams told the House that "The committee arose from executive session at 10:55 a. m. and the chairman instructed the page to unlock and open both doors."

The page told him that "The reporters standing outside were too busy engaged in conversation with each other to pay any attention to what was going on."

Newsmen have maintained they never saw the doors actually opened—usual procedure following executive session — although they agree that unlocking demands they be opened less than an inch.

Although a majority of the committee refused to disclose how they voted, Williams said that "The Courts of Justice Committee is at all times willing and able to stand up like men and be counted."

Defy Assembly Rule, Bar Newsmen

Virginia Solons, In Secret Huddle, Kill Anti-Bias Bills

RICHMOND, Va.—The Committee on Courts of Justice of the Virginia House of Delegates has killed without recorded votes, bills to end segregation in public transportation and to set up a State Commission on racial affairs. The vote was 9 to 7, much closer than had been expected on the Boothe Anti-Segregation bills. Ten votes were cast against the commission measure.

Althought the General Assembly has rules against committee action being taken in secret, reporters were barred from the committee room forty minutes before the bills were killed and although they waited just outside the room were not aware of the action until the committee adjourned. For practical purposes the committee action killed the proposals as far as the 1950 session is concerned.

The committee could reconsider its action—which is highly unlikely—or the House could recall the bills from the committee by a two-thirds majority even more unlikely. Although the Anti-Segregation bills were lost, the margin was narrow and the proponents feel that they may have a good chance in the 1952 General Assembly. Two years ago similar bills received almost no attention in the Legislature.

No Reason For A Defeatist Attitude

IN THE MIDST of all the furor which has been provoked by defeat of the Boothe bill in the Virginia General Assembly, one important fact seems to have been entirely overlooked despite the rather questionable methods used by the House Courts of Justice Committee in strangling the measure.

It is that the close 9 to 7 vote by which the bill was kept from the House floor, is highly indicative of substantial progress in the effort to enact anti-segregation laws which would bring Virginia's protestations of racial good will more in line with what its Constitution provides.

As a matter of fact, the seven votes for the measure, which called for repeal of the state's segregation laws as they affected transportation on common carriers, could easily indicate a total of 37 votes in the House had the bill been allowed to come up for a vote on the floor. The same holds true for the companion Boothe bill which provided for the setting up of a State civil rights commission.

In any case the "secret" killing of the bills by methods which their opponents felt were dictated by questionable political expediency, should be no cause for a defeatist attitude.

On the contrary, it should be constantly borne in mind that a few years ago, a somewhat similar bill was drafted for introduction in the General Assembly after the Richmond Times - Dispatch editorially advocated an end to transportation segregation, but not a single legislator could be found to sponsor it. In sharp contrast, the Boothe bills had several sponsors who openly announced their support of the measures.

DELEGATE ARMISTEAD L. BOOTHE deserves the highest commendation of all Virginians for his diligent efforts along these lines. And these include especially those from whose shoulders, as he put it, enactment of the legislation would have lifted "a burden of humiliation."

Potomac Paragraphs

Bus Line Is Upheld In Segregation Suit

RICHMOND, Va., Oct. 9 (AP).—The State Corporation Commission today upheld the right of a bus company to require segregated seating of white and Negro passengers.

In a unanimous opinion, the commission refused to grant a mandamus against the Carolina Coach Co. of Virginia, which was sought by Everett Raney, 23, of Suffolk. The opinion held that the driver was within the law in enforcing the company segregation rule, and in preventing Raney from sitting beside a white woman in the forward seats of a bus at Suffolk on April 11.

The commission found that Raney "is not in sympathy with the requirement that the races be segregated and is endeavoring to assist in its breakdown."

"It is manifestly plain," concluded the SCC, "that the petitioner was not unlawfully discriminated against by the respondent. The driver of the bus was fully justified in the action taken by him. His position was clearly within the law and in compliance with the rules and regulations of the company. In fact it was his responsibility and duty to enforce the law as well as to require compliance with the rules and regulations of the company."

Under the doctrine of equality of facilities, the United States Supreme Court has held such segregation in interstate commerce unlawful. Raney was an intrastate passenger.

Raney said he sat down beside a white woman at Suffolk because no other seat was available; that the driver asked him to move and, when he refused, ordered all passengers off the bus and reloaded. Raney was refused passage and his ticket was returned.

The petitioner is a student at Virginia State College's Norfolk division and was a regular commuter between Suffolk and Norfolk.

Bus JC Case Goes to Va. High Court

RICHMOND

An automatic appeal in the case of Everett E. Raney, who is asking an injunction to prevent Trailways Bus Company from practicing racial discrimination in assigning seats on its vehicles, was granted last Friday by the Virginia Supreme Court of Appeals.

Through his NAACP attorney, Martin A. Martin of the law firm of Hill, Martin and Robinson, Raney appealed a decision of the State Corporation Commission holding that the bus company was within its rights in enforcing strictly the segregation laws.

Case Called Novel

The case is a novel one in that it marks the first attempt ever made in Virginia to wipe out the segregation laws as they affect transportation through action of the commission. appeal from which must be heard by the State Supreme Court.

It is not expected that the appeal will be argued before the State's highest court until some time next year, however.

Sat With White Woman

Raney admitted in his petition to the commission that he had seated himself on a seat beside a white woman on the bus because no other seats were vacant and that the operator immediately ordered him to move.

After explaining to the driver that no other seat was available, he said, he refused to move. The driver then ordered all passengers off the bus, went around the corner, returned and reloaded, and denied Raney passage on the vehicle.

Commission Ruling

In its decision, the commission ruled that Raney is "not in sympathy with the requirement that the races be segregated and is endeavoring to assist in its breakdown," and that the operator was "clearly within the law" in removing him.

In his appeal petition, Raney contends that the commission's action is contrary to a State Supreme Court decision in the case of Davis vs. Commonwealth, in which a set of similar circumstances was involved.

According to Mr. Martin, who filed the petition, it contends further that the commission's decision is contrary to provisions of the 14th Amendment of the U.S. Constitution which guarantees equality before the law.

Va. Professor Sues Railroad For $10,000

ROANOKE, Virginia — Dr. Elizabeth Durham, a professor at Virginia State College, Petersburg, sued the Norfolk & Western Railway here in Law and Chancery Court for $10,000 charging she was forced to move from a sleeping car to a "small, overcrowded, filled-with-smoke, dusty, dirty and drafty" coach "solely because she was a Negro."

Dr. Durham also named L. L. Crowder of Richmond, identified by her attorneys as conductor of the train, as a defendant. Her attorneys were listed as Martin A. Martin, of Richmond, and Reuben E. Lawson, of Roanoke.

The South in Struggle

Anti-Jimcrow Legislation Can Be Won— If Virginia Experience Is Mastered

By Alice Burke
Chairman, Communist Party of Virginia

RICHMOND, Va.

"LYNCHED BY THE BYRD MACHINE" is the way many Virginians characterize the killing of the Boothe Anti-Jimcrow Bills by the 1950 Virginia General Assembly. This defeat is a surprise to many Negro and liberal white leaders who fell for the tall tales advanced by the Byrd politicians to forestall and prevent militant struggle. However, it has served to spur the campaign to double the vote of Negroes in Virginia and to increase the labor and progressive white vote.

The two bills (one would have repealed segregation on common carriers, and the other would have set up a Commission on Race Relations to study all phases of the question) were very weak with all kind of loopholes—without any enforcement powers. The chief sponsor, Armistead Boothe of Alexandria, continuously assured the Byrd controlled General Assembly, of which he is part, that his "civil rights" bills—"tempered idealism with common sense." Boothe sounded the alarm that the Federal Government might enact laws outlawing segregation altogether, including schools and warned "if segregation in primary and high schools is declared unconstitutional in the near future . . . it will usher into the South, including Virginia, an era of chicanery, hatred and violence."

It is no wonder that the bills, introduced by this "liberal" Byrd Machine stalwart, to repeal segregation on common carriers were so wishy washy that they even gave power to localities to enact ordinances of their own to enforce segregation.

Some of the newspapers also favored these lukewarm measures in the hope that they would prevent militant struggle to eradicate the whole slave system of segregation. This is what the **Richmond Times Dispatch** editorial said: **"It is important, too, that the conservative Negro leaders of the South retain their hold on their own people, so that the Negro masses of this section will look to them for leadership, rather than to more radical spokesmen in the North and West. Removal by the General Assembly of the irritating segregation laws on common carriers would greatly strengthen the hand of the South's Negro leadership."**

★

DESPITE THESE very serious weaknesses in the bills it was felt, by all groups and individuals who had for years been fighting to abolish segregation and discrimination, that if these measures were enacted it would be a beginning. Thus they supported the two bills sponsored by Boothe and six other legislators.

A broad united front was achieved in this fight. Although Boothe wanted a "quiet" campaign, petitions were issued by several organizations, church groups and unions and within a few weeks 30,000 petitions were signed. There were a number of important white groups and individuals who joined, the most outspoken being church, youth and women.

When the public hearing was held at 3 o'clock in the afternoon, some 2,000 Virginians crowded the House of Delegates Chamber, the corridors and stairways—all in support of the bills. Not a single white-supremacist dared to oppose these bills on the floor of the public hearing.

Here, too, Boothe bent over backwards to show that these bills would do a minimum. He took a slap at the overcrowded house by stating that he and the other sponsors "did not solicit the attendance" at the public hearing. Many church, organization, youth and civic leaders and members, who travelled from all the far corners of Virginia, were not allowed to speak out—though they came for that purpose. The sponsors and the members of the General Assembly did not want all the facts and the real feeling of hatred for segregation to come out into the open.

Unfortunately the strategy committee, composed of conservative Negro and white leaders, which met with the sponsors from time to time, allowed Boothe to call the tune as to the kind of bills, campaign, activity. This resulted in the mildest form of activity around the bills.

The leadership role of the Negro people was deliberately underplayed by the strategy committee.

★

OUT OF THIS STRUGGLE there are important lessons. The major one is the need for a militant policy and course of action without any dependence on the political powers that be. It is believed that there would have been a real possibility of enacting these anti-Jimcrow bills had there been developed a broad militant campaign with protest meetings, resolutions, radio addresses.

Another reason that the broad movement around these bills was demobilized was that the top leadership believed the rumors, spread deliberately, that the Byrd Machine "had given the go ahead signal" and that the bills would be passed. There were rumors that Boothe and Governor-elect Battle "understood each other" on these bills. All this false propaganda tended to demobilize the broad sections who supported these measures—they thought the thing was "in the bag" and it wasn't too important to keep up the pressure at top speed.

Thirdly, the "hush, hush" policy as advanced by labor leaders, not only on these bills but also on such measures as rent control, etc. Their false assertions that if "labor, or others, speak out it will antagonize those in power" and they will act in even a worse manner against the people.

Organized labor played almost no role in the Boothe Bills struggle except among the Negro trade unionists and in "Jimcrow" locals. This is the result of the policy of labor leadership, AFL, CIO and RR Brotherhoods, of refusing to mobilize the white trade unionists behind the struggle for Negro rights and their own advancement. This is also true now in the projected "qualify the vote" campaign.

Unless these lessons are mastered at once—there are grave dangers that the present campaign to qualify voters will be bogged down by these same false theories and concepts.

Close Vote Gives Hope For Future

RICHMOND, Va. — Hopes for anti-segregation legislation hung high among Virginia's Negroes and liberal whites early this week. But these hopes were shattered with a heart-rending action by the Committee of Justice of the House of Delegates.

The committee killed the Boothe bills.

A 9-7 vote sounded the death knell for the bill which would eliminate segregation on public carriers. Ten votes were cast against the measure which called for a state commission on racial affairs.

For all practical purposes, this legislation is dead, so far as the 1950 session is concerned.

The margin of defeat of the two bills was a narrow one. Thus their proponents feel they may have a good chance in the 1952 General Assembly. Similar bills introduced two years ago received almost no attention in the legislature.

Public Sentiment

Considerable public sentiment had been aroused with regard to these anti-segregation measures. Only last week, a delegation of prominent Negro and white citizens of the state appealed to the committee to report favorably on the bills so that they might reach the House floor for a vote.

At this public hearing, Negroes and whites jammed the House floor and galleries and sat side by side. Absolutely no opposition to the measures was voiced.

A dozen speakers appealed to the committee to give the nod to these bills. Dr. W. L. Ransome, local minister and candidate for the House of Delegates here last summer, urged the committee to take "the Christian approach" and repeal the "un-Christian law."

'Look to Washington'

P. B. Young Jr., editor of the Norfolk Journal and Guide, asked the committee to "prove that the practice of democracy is somewhat akin to southern leaders' protestations of democracy."

Cafe Bias Nets Bandleader $200

IVORY JOE HUNTER

HOLLYWOOD — Band leader Ivory Joe Hunter, who opened May 1 at the 421 Club in Philadelphia, and Attorney Thomas L. Berkley, were the victors in a recent law suit against Aubrey McGill, owner of 99 Cafe near Bakersfield, Calif.

Hunter, who lives in Oakland, was returning to his home from Hollywood with Atty. Berkley. They stopped at the cafe for a cup of coffee about midnight. The waiter refused them service. Both Hunter and Berkley filed suit against the cafe.

Judge Lambert granted the plaintiffs $200. Atty. Terry A. Francois, of the law firm of Thomas L. Berkley and Associates, handled the case

38a
Courier Inst. 4-1-50 DC
Pittsburgh Pa

Bias Attacked—For refusal to serve Negroes despite an old city code saying such is illegal, Thompson's Restaurant, 725 Fourteenth Street, N. W., Washington, is the center of attack in a test case in the nation's capital, scheduled for March 31.

Restaurant's Refusal to Serve 3 Negroes Weighed by Court

By Sam Zagoria
Post Reporter

3 89 DC

The validity of the city's 1872 and 1873 anti-discrimination laws was argued yesterday before Municipal Court Judge Frank H. Myers and a packed courtroom of more than 200.

Post

Assistant Corporation Counsel Clark F. King, prosecutor, and Ringgold Hart, counsel for Thompson's Restaurant, 725 14th st. nw., agreed that three "well-behaved" Negroes were denied service on February 28 at the eating place.

For the remainder of almost non-stop 2½-hour arguments, the lawyers differed strongly, King supporting the laws and Hart declaring them invalid on several counts. Judge Myers took the case under advisement.

Post 4-1-50

The principal points of contention were:

1. Hart contended the anti-discrimination acts enacted by the city's Legislative Assembly of that period went beyond the powers vested by Congress.

King argued that the 1871 Act creating the Assembly gave it the same powers as any State except that Congress could repeal any legislation adopted. He said 18 States have adopted anti-discrimination laws.

2. The tall, white-haired Hart emphasized his view that the laws are unconstitutional and unreasonable. He said they interfere with the property rights of restaurateurs and attempt to upset a pattern of segregation in force in schools, playgrounds and pools here.

He mentioned the Anacostia pool rioting last summer in discussing what could happen if the laws were enforced.

King, chief prosecutor for the city at Municipal Court, who had been arguing in calm, legalistic terms, exploded at the "unreasonable" charge.

He asked whether it was reasonable to expect Negro lawyers to travel to Union Station or National Airport for lunch when they had cases in court. He pointed out that Negroes have been traveling on public streetcars for several years without difficulty.

He said the American Government is based on the concept of "no discrimination on the basis of race, color or religion" and "Christianity is based on that, too." He said many residents have been paying "only lip service" to this in their daily living.

3. Hart said the laws were repealed, in effect, by subsequent legislation and also by implication, although he admitted he could find no statute repealing it directly. He cited an 1812 law forbidding slaves to travel city streets after 10 p. m. as an example of another law, never directly repealed, but "which is ridiculous" today.

King said since the laws were never repealed the question before the court is simply whether the laws are a proper exercise of police power. "I believe it is. The police power on this is well established," he declared.

4. The restaurant's counsel argued the laws have been in disuse for 78 years and are now obsolete.

The city's lawyer said laws are repealable not by disuse or the judiciary, but by the legislative bodies. King said the 1872 and 1873 Acts were not enforced after 1875 because Congress passed a broader Civil Rights Act, which was in force until 1913 when it was declared unconstitutional. By that time the earlier acts were forgotten.

Jesse O. Thomas Sues Pullman Co.

38 b 5

WASHINGTON

With complaints that his constitutional rights had been violated when he was not allowed to occupy the drawing room for which he had bargained, nor permitted to obtain other similar accommodations. Jesse O. Thomas, 1757 U St., N.W., American Red Cross official, this week, sued the Pullman Company for a total of $10,000.

The suit is in two counts, each of which requests $5,000 damages.

Mr. Thomas, long a prominent figure in social work in the nation, told the District Court in the first count, through his attorney, that on Jan. 25, 1948, he was a passenger on the Southern Pacific Railroad, having paid first class for passage from Houston to Austin, Texas.

He said that he had also paid for Pullman service and the drawing room.

Boarded at Small Town

Due to a business engagement, Mr. Thomas asserts that he found it inadvisable to board the train at Houston, but chose to mount it at Hempstead, Texas, the site of his last engagement.

When he presented himself to the conductor of the Pullman in which he had reservation, Mr. Thomas alleges that he was told that the reservation had been sold.

Requesting that he be sold another in an unoccupied space in the car, the complainant avows that he was again refused.

Negro Seeks Ban on Jim Crow Cars

WASHINGTON, Sept. 19—(AP)—A New York Negro Tuesday asked the Government to ban the use of "Jim Crow" cars on railroad trains running between States.

The request was made to the Interstate Commerce Commission by Lillie Belle Perez, of New York City. She claimed she was discriminated against by being required to ride on a car set aside for Negroes on a trip from New York to Tampa, Fla., in April, 1948.

She already has filed a $100,000 damage suit against the Pennsylvania and Seaboard Air Line Railroads, joint operators of the "Silver Meteor" on which she made the trip.

In a previous test case the Supreme Court last June ruled against segregation of Negroes in railroad dining cars and directed the ICC to tell the railroads to stop the practice.

Chairman J. Monroe Johnson said the Commission expected to announce some action, in response to the court order, "within the next few days." He declined to discuss the nature of the action.

Miss Perez said on her trip to Tampa she held a through coach seat reservation. But she said she was required, under threats by a conductor, to leave the seat she had paid for while traveling through Virginia and go to a "Jim Crow" car. She described it as "an old car next to the baggage car."

She also complained that when the train reached Wildwood, Fla., she and "many other Negroes" were compelled to leave the train and board another for the remainder of the journey to Tampa.

Her petition contended that the circumstances of the journey violated the Interstate Commerce Act forbidding "any undue or unreasonable prejudice or disadvantage" among railroad patrons.

Atlantic Coast Line Railroads
Seaboard Airline Railroads

South Soon Will Have More Suits Than Trains

Thomas T. Patterson, an official of the Brotherhood of Sleeping Car Porters, AFL, last Friday filed a $50,000 suit in Federal Court against the Atlantic Coast Line Railroad Company charging that he was denied dining car service June 27, 1950, while traveling through the state of Virginia on the "West Coast Champion."

In the action, instituted by his attorneys, Delson, Levin and Gordon, of 270 Broadway, New York, Mr. Patterson alleges that while traveling first-class from Jacksonville, Fla., to New York, he was subjected to "humiliation and indignities" by the "wilful wanton and reckless action" of Company agents in refusing him service except in a "Jim-Crow" section of the dining car.

Mr. Patterson alleges that he was assigned by the steward to a table in a segregated section of the dining car reserved for Negroes of the two tables in the Jim-Crow section, according to the complaint, one was occupied, the other was strewn with silver. There were many vacant tables in the portion of the diner reserved for white passengers, and when Mr. Patterson sat down at one of these tables the steward ordered the waiter not to serve him. He was unable to obtain a meal and returned to his car.

Line Justifies Action

It was disclosed that the general counsel of the Atlantic Coast Line, in an August letter replying to a complaint from Mr. Patterson's attorneys, justifies the railroads action with this statement, among others:

"At the table to which he was assigned by the steward, he would have received exactly the same service that would have been accorded him if he had been permitted to obtrude himself in the midst of other passengers to whom his presence might have been distasteful."

In July, 1948, Mr. Patterson obtained an out of court settlement of $2,000 of a suit against the Southern Railway for damages suffered in March 19, 1945. At that time he charged he had been forcibly removed from a train in Charlottesville, Va., charged with disorderly conduct held in jail, and fined for having refused to repair to a Jim Crow car while an Atlanta to New York train traversed the state of Virginia.

ICC Refuses To Drop Jim Crow Rail Suit

WASHINGTON — In a case involving charges of racial discrimination in train coaches, the Interstate Commerce Commission last week refused requests of the Pennsylvania and Seaboard Airline Railroads for dismissal of a complaint filed by Miss Lillie Belle Perez of New York City.

Miss Perez contends that she and other Negroes were forced to use Jim Crow coach accommodations on a trip from New York to Tampa, Fla., in 1948.

She said the railroads compelled her to move from a through New York — Florida coach to a Jim Crow coach at Washington.

Miss Perez is asking that Jim Crow cars be abolished and is seeking $100,000 damages from the two carriers.

Ohio Railroad
Seaboard Railway
St. Louis Railroad

Railroads To Comply With Action Of Supreme Court

WASHINGTON -(ANP)- Although southern railway firms made no positive statements they indicated that they would comply with the recent U. S. Supreme court decision in which segregation on dining cars was outlawed in a case filed by Elmer Henderson.

Most of the railroads said they would await an order from the Interstate Commerce commission before establishing a definite policy.

Defendant in the case the Southern Railway, indicated it would obey the ruling by a statement of Sidney S. Alderman, vice president and general counsel. He said:

"The railway will of course comply with whatever order is ultimately entered by the ICC."

A spokesman for the Chesapeake and Ohio railroad said this ruling only agreed with its present practices. It segregates passengers on intrastate travel, and it does not on interstate policy. He said the program would continue.

For Seaboard railway, an official said, "If the law stops segregating Negroes, then we'll do it.

The president of the Nashville, Chattanooga, and St. Louis railroad said his trains would obey the decision soon.

Railroads Feel Pinch of JC, Writer Reveals

Jim-Crow Service Cuts Down Railroads' Profit

Writer Says Tan Passengers Using Other Modes of Travel, Coaches Sub-Standard

WASHINGTON (ANP)—At last colored people's resentment against the separate and unequal facilities afforded them as passengers on the nation's railroads is hitting the carriages of iron where it hurts—in their pockets.

Lion R. Harris, author and free lance writer of Illinois, writing on "The Railroads Are Losing Colored Patronage," points out that these patrons are no longer content to put up with "such appalling conditions" but prefer to utilize other methods of travel which are less obnoxious.

Railroads Best Patrons

The article which appears in the November issue of "Railway Progress" magazine states:

"The colored railroader, ever faithful to his boss and job, has always been the roads' best business solicitor among patrons of his own group. Most passenger traffic patronage. It provides quite a percentage of revenue.

Set-Apart Passengers

"On Southern lines, this is a 'set-apart' patronage, confined to certain areas of the train and terminal facilities.

"It is less exacting, less impatient, less demanding and less costly than the patronage of white people. In recent years it has declined and become less profitable."

The [illegible] patronage is due to the failure of the railroads to "correct some faults, abolish some of the old habits and practices followed in connection with service to colored people."

Separate but Not Equal

Harris suggests, among other things, the improvement of jim-crow equipment on passenger trains as "one of the most essential steps to be taken for the comfort and convenience of colored patrons."

"Among them," he asserts, "the average jim-crow car has a bad name, not because it has been set apart from him and he has to occupy it, but because usually it is a substandard coach.

"It is separate but far from equal. It is not as good as the coaches funished white patrons.

THIS MAN BOOTHE...

His Bill Would Ban Segregation On Trains, Buses

By JAMES N. RHEA

RICHMOND—The definition "southern liberal" is somewhat confusing in these times when southerners who have never considered themselves especially "liberal" are beginning to urge a broader basis of equality among all citizens.

Yet, when a man is one jump ahead of his contemporaries in views on human rights, there must be some term used to set him apart from them. Delegate Armistead L. Boothe, general assemblyman of Alexandria, Va., seems far enough out front as a southerner to fit the term "southern liberal."

In rough comparison, he seems to be a liberal in the tradition of Lillian Smith or Hodding Carter. Like Mr. Carter, Mr. Boothe, sponsor of a proposal to end segregation on common carriers in Virginia and one to set up a State Civil Rights Commission, believes that the South, through enlightened civil rights action, can remove the necessity for such action by the Federal Government. Of Virginia in particular he says:

"I think through such measures as those I propose the state of Virginia can point the way for the entire South in racial matters. She can re-establish her intelligent leadership. There would be no need for Negroes to appeal to the Federal Government if the states should convince them that they can get justice locally."

LOVES FAIR PLAY

Delegate Boothe did not undergo any sort of "sudden conversion to the ideal of human rights." He says that all his life he has loved fair play and admired the persons who insist upon it.

A native of Alexandria, Armistead L. Boothe has always made his home in Virginia. He boasts that his family took roots in Virginia "as far back as you can go." When he says the word "Virginia" his eyes seem to have an intense glow of pride.

This forty-two-year-old lawyer has an interesting record of public service already. He is in his second term as a delegate to the Virginia House of Delegates. He was Alexandria's city attorney from 1938 to 1943.

He served on the carriers "Hornet" and "Boxer" in the Second World's War as an air intelligence officer. He says that he is certain the war experience of many white Americans made them conscious of the race question, and that this consciousness in many went so deep that they returned eager to help find solutions to America's number one problem.

YOUNG LEADER

Mr. Boothe appears to be something of a rallying point for an enlightened group of young men in the House of Delegates. Last year he was among the 37 patrons of a civil rights proposal sponsored by Delegate L. A. McMurran, a young lawmaker from Newport News.

And what do the majority of legislators think of him? They alone know. But they say simply: "Armistead L. Boothe is an able man. Anything he proposes deserves serious thought."

His co-workers know that he is no fire-breathing crusader. He has no dream of an immediate wide-scale end to segregation. In fact, in some points he is even conservative. He believes that, within the state, some counties could regionalize colored schools to good advantage. He says this would work where there are few colored pupils in a given locality. (He thinks there is no use talking about regional schools on a national scale because the Supreme Court has ruled against them in principle.)

WRITES ON RIGHTS

It is significant that in the foreword of his article on "Civil Rights in Virginia," published in the Virginia Law Review, November, 1949, Mr. Boothe acknowledges the usefulness of personal documents loaned him by Martin A. Martin, outstanding Negro lawyer.

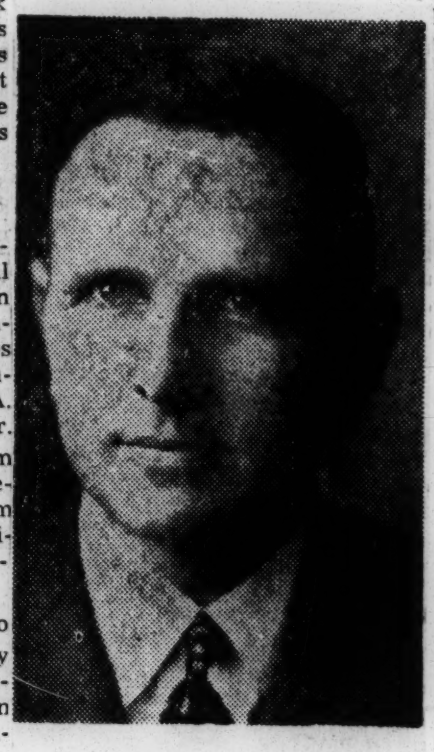
In this article, the delegate from Alexandria covers his state's development in the rights area from cases involving safety and security to the person to rights of equality and opportunity.

He states that there can be no doubt that "it has been the policy of the State of Virginia to maintain the "racial integrity" between the white and colored races within the state. He concedes the correctness of this policy, but declares that it has inevitably resulted in some injustices.

Of schools, he says in part:

"When the past's minority becomes the future's majority, the most staggering impact will be on segregation generally, more particularly on segregation in education, and most particularly on segregation in the primary and high schools of our public school system. If segregation in primary and high schools is declared unconstitutional in the near future, this declaration will be the keynote to tragedy. It will show utter disregard for certain facts of life, including health, moral and social differences, which, rightly or wrongfully, do exist at this time in many places as race differences rather than as individual differences. It will usher into the South, including Virginia, an era of chicanery, hatred and violence.

"To prevent this calamity we must prove to the federal legislature and especially to the federal courts that Virginia intends to observe meticulously the guarantees given in the state and national constitutions, and will eliminate various phases of discrimination as fast as public opinion can be convinced that the elimination should be made. . . ."



ARMISTEAD L. BOOTHE

STATE BENEFIT

In having declared that the economic fortunes of Negroes in Virginia are far below those of whites, Mr. Boothe writes, in the same article: "An economic reason for guaranteeing to Negroes a fair share of the right to employment is that an enormous benefit will accrue to the entire state from such employment."

This article, then, is the scholarly document that lawmakers are reading in an effort to foresee the shape of Mr. Boothe's bill. It should prove helpful.

Armistead L. Boothe is married and has three daughters. He attended the public schools and the Episcopal High School of Alexandria, and completed his general and legal education at the University of Virginia. At one time, his mother lived in Norfolk.

He is a serious-looking man of medium size, perhaps slightly less than medium height. He enjoys talking about his views, and while he talks he look directly at you, now and then making gestures, as if he is trying to reason with you quietly.

Discrimination "Paralyzing," McGrath Insists

ST. LOUIS —(NNPA)— In a discussion of the work of the Justice Department in an address here last Thursday, United States Attorney General J. Howard McGrath explained it sometimes opposes the Interstate Commerce Commission.

He mentioned as an example the ICC's order approving the practice of southern railroads of setting aside one or two curtained-off tables for colored passengers in dining cars.

Mr. McGrath and Solicitor General Philip B. Perlman opposed the practice before the Supreme Court, and the court ruled against the segregated dining-car seating system last June 5.

"We were gratified with the decision of the court which vindicated our position and proved to be another heartening indication that we are slowly but surely loosening the paralyzing grip of racial discrimination which has stood in the way of extending opportunities equally to all Americans," McGrath said.

The Attorney General addressed a session of the twenty-first annual meeting of the Association of Interstate Commerce Commission Practitioners at Hotel Jefferson.

Jim Crow Curtain Appeases Southern Whites

Not even during the "War Against Fascism" did our home-grown racism relent. Here three defenders of democracy are shown behind a Jim-Crow curtainof a dining car attached to a train somewhere in the South.—(Photo by Marion Palfi).

Woman Passenger Forced to Give Up Seat on Crack Train

ATLANTA, Ga.—A colored woman passenger, en route from Phoenix, Ariz., to Raleigh, N. C., was ordered from a coach in which white passengers were riding to a car for Negroes by a Seaboard Air Line passenger representative aboard the Silver Comet last Monday.

Miss Annie Mae Rich, of Rich Square, N. C., had to vacate Car 24-B in Atlanta and was moved to Car 21-B (all Negro) by the railroad agent.

Miss Rich boarded the Silver Comet in Birmingham and was directed to Car 24-B by a car attendant. She refused to move up to the Negro coach in front of the train while traveling between Birmingham and Atlanta.

ASSIGNED TO CAR

Only after discovering that her seat ticket calling for space in Car 24-B was for her westbound trip to Phoenix, did she agree to occupy a seat in the jim-crow coach.

She had failed to purchase seat space from Birmingham to Raleigh on the return trip.

The Silver Comet, crack Seaboard train between Birmingham and New York, requires a nominal charge for seat space in coaches.

Miss Rich said she rode from Phoenix to Memphis in a non-segregated coach, but was put in a separate car for Negroes by the Frisco before leaving Memphis for Birmingham. Change to the Seaboard was made in the Alabama city.

In line with a policy recently inaugurated by the Pennsylvania Railroad in New York, trains to the South providing through coaches with reserved seats usually do not impose segregation on Negro passengers from the North traveling below Washington.

Gets 30 Days For Sitting Beside White

ATLANTA, Ga.—A 25-year-old Detroit man who was "almost mobbed" for sitting beside a white woman on an interstate bus, began a 30-day prison sentence last Wednesday for violating Atlanta's segregation law.

The man is John Zachry, whose address was given as 12-13 East Pike st., Detroit, Mich.

Zachry was fined $53 or 30 days last Tuesday by Police Recorder A. W. Callaway on charges involving the defying of Atlanta's segregation ordinance.

Apparently unable to pay the fine, he was sent to the city prison farm to serve the sentence. Zachry was arrested Tuesday at the Greyhound Bus Station by Patrolman C. E. Strickland.

8 Charge Coast Line RR With Racial Jim Crow; 1 Rode With 3 Coffins

Seven women and one man filed similar suits last week in Federal Court for a total of $200,000, each charging the Atlantic Coast Line Railroad Co. of violating the Interstate Commerce Act which guarantees all passengers equality of treatment irrespective of race or color.

Each plaintiff asked for $25,000 damages claiming that he or she had been discriminated against when aboard the line's crack train, "The Champion" which travels from the New York toFlorida. All are represented by Vertner Tandy of 6 Maiden Lane.

3 from Harlem

The eight who charge they were segregated and discriminated against after purchasing reserved seat tickets, are Wesley Lewis, 521 W. 151st St., Alberta Ashby 533 W. 148 th St., Reva Johnson, Maggie Harden and Mamie Hines of Newark, and Viola Seaborn, Minnie Wright and Martha Fontaine, all of Philadelphia. Each suit charges the discrimination was experienced during a northbound trip on the crack train.

Lewis' suit — similar to the others—claims he purchased a reserved seat on "The Champion" in Savannah, Ga., Feb. 22. The ticket, costing more than ordinary tickets, was not honored by the train conductor when he boarded the train, Lewis charges. Instead, he declares, he was forced to go to a forward portion of the train to a car located directly behind the locomotive. This, he said, was a baggage car owned by the Pennsylvania Railroad. And, he claims, despite his protests that he was refused any other place on the train.

Only Negroes There

"The refusal was only due to the fact that I was a member of the Negro race," Lewis charges. "None of the other passengers who were not Negroes, were confined to the baggage car."

Lewis also asserted that the coffins of three dead persons were in the car he had to ride in and charged that the whole coach was "filthy and soiled, covered with an accumulation of grime, coal soot and other kinds of dirt.

In addition, he said the car had no heat, one toilet, no washing facilities and warm drinking water.

"I arrived at my destination in an exhausted an physically weakened condition which persisted for several days," Lewis claimed.

The railroad has 20 days in which to file and answer.

Railroad Sued for $200,000

Rode With Coffins, 8 Passengers Say

NEW YORK—Charging racial discrimination in interstate travel, seven women and one man last Friday filed a $200,000 damage suit in Federal Court here against the Atlantic Coastline Railroad in what was seen as the first major test of the recent Supreme Court decision in the Henderson case.

The action was filed in the Southern District Court by Wesley Lewis and Miss Alberta Ashby of New York, Miss Rena Johnson and Miss Mamie Hines of Newark, N.J.; Miss Martha Ann Fontaine of Utica, N.Y.; Miss Viola Seaborn and Miss Maggie Harden of Philadelphia and Miss Minnie Wright of Florence, S.C.

Rode With Three Coffins

They all charged that on Feb. 22, 1950, while traveling on the northbound "Champion," crack train of the Atlantic costal lines, they were forced to occupy and ride in a baggage coach which contained the bodies of three dead persons, despite the fact that they all had purchased first-class reservations which entitled them to occupy seats in the plush Champion coach.

The petition states that they were forced to ride in the baggage car solely because of their race. They accused the railroad of violating the Interstate Commerce Act and denying them the privileges and rights granted them by the 14th Amendment to the Federal Constitution.

Charging that they had been thus subjected to "considerable discomfort, fatigue, irritation and inconvenience" to the extent that they arrived at their destination "awakened, exhausted, humiliated and embarrased," all of the eight plaintiffs asked the court to award them $25,000 each for the pain and embarrassment they suffered.

United by Misery

The eight people did not know each other prior to Feb. 22. They boarded the crack train at various points on its northbound trip and alleged that despite the fact they all had first-class reservations they were all herded into the baggage car of the train located behind the engine.

Mr. Lewis boarded the train at Savannah, Ga.; Miss Ashby got on at Winter Park, Fla.; Miss Johnson, Miss Harden and Miss Hines got on at Gainesville, Fla.; Miss Seaborne and Miss Wright boarded the train at Florence, S. C., and Miss Fontaine got on at Lakeland, Fla.

Right Behind Locomotive

Demanding a trial by jury, the eight charged that when they boarded the train the conductor "directed them to go to the front portion of the train and occupy and remain in the car situated directly behind the train's locomotive. Succeeding conductors upheld the order and each one refused to permit them to move into the coaches where they had made reservations or into one having similar facilities, they added.

Of the baggage coach which they said they were forced to occupy the complaint said:

"The car was an obsolescent baggage car separated at one point by a partition containing a doorway. On one side of this partition, the space within the car was exclusively allotted to baggage and storage of other articles normally shipped in such a car.

"In this portion of the car reposed three coffins containing the bodies of three deceased persons, together with a quantity of flowers on information and belief consignes therewith."

Asked to Be Mooved

Charging that they asked the conductors to give them the seats to which they had been assigned and for which they held tickets, the eight said their demands had all been refused.

Instead, they said, they were forced to occupy the baggage coach which was unheated, had no individual reclining seats they occupied were "excessively filthy, soiled, covered with grime, grease and coal soot and other kinds of dirt."

Toilets 'Repulsive'

They also charged that there was only one toilet on the coach and that it was not marked as to the sex of the persons who should use it. They said the toilet was "unsanitary, dirty and repulsive."

The case was filed by Vertner W. Candy Jr., an attorney, of 6 Maiden Lane. He is associated in the case with the law firm of Willenberg, Covington and Farnsworth.

Trolley Jim Crow Case In Court Today

Marcus Thrasher Faces Charges In Recorder's Court

A hearing that may become an ultimate test of Atlanta's segregation law as it applies to public transportation is scheduled before Municipal Judge A. W. Callaway today at 2 p. m., when 19-year old Marcus Thrasher will face charges of disorderly conduct-disturbance and disorderly conduct-violating the segregation law.

Young Thrasher, of 406 Weschester Street, was allegedly ejected from a "River Line" trolley last Wednesday and arrested after he sat down beside a white woman passenger on a rear seat of the bus. He was later released under $1,050 bond signed by J. H. Calhoun representing the Atlanta NAACP branch. His case was postponed until today by Judge Callaway after Attorney R. A. Whitsett, employed by the boy's father, asked for additional time.

ROBINSON COUNSEL

The local NAACP branch, alarmed by recent incidents which officials said have grown out of impositions on colored passengers, voted to enter the case after a request from young Thrasher's parents. A member of the organization's legal redress committee, Attorney S. S. Robinson has been assigned to defend Thrasher.

Prof. C. L. Harper, president of the local branch said Tuesday that the NAACP national office is highly interested ir the case as it may become another in the organization's series to break down discrimination and segregation throughout the nation.

Young Thrasher told the World that he had walked to the rear of the car and while counting his change sat down on the vacant end of a long sidewise seat back of the rear door. He said he did not recognize the woman as being white and on taking a second look found that she had moved. He said he was completely surprised when the operator stopped the trolley after several blocks and pointed him out to policemen for arrest.

Law Requires Segregation ---Greyhound

WILMINGTON, Del.—(AP)—The Greyhound Corporation's general counsel told the Company's stockholders yesterday segregation of Negroes on Greyhound busses is required by law and cannot be halted.

Robert Driscoll, who also is a Vice President of the Company, addressed the Corporation's annual meeting after two stockholders, a Negro and a white man, picketed the meeting, asserting "Greyhound follows the Dixiecrat Party line" and "Greyhound Corporation unfair to Negroes."

Driscoll told the stockholders Negroes provide a great volume of business for the bus company and "we want their patronage."

But, he said, laws in some Southern States require that Negroes sit at the rear of busses. And, he said, his advices from managers of Southern branches of the Company are that the "colored people in the South seem to prefer things as they are."

Greyhound Backs Segregation Laws

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Dining Car Segregation Banned by High Court

Texas, Oklahoma Universities Must Abolish Unequal Setup for Negroes

Pritchard Loses Appeal

SUPREME COURT upholds prison sentence for Edward F. Pritchard, jr., agrees to consider Dorothy Bailey loyalty case. See Page 16.

Rulings Unanimous

By Chalmers M. Roberts
Post Reporter

The Supreme Court yesterday struck three blows at unequal treatment of Negroes in the nited StUates, but it did not rule on the constitutionality of racial segregation.

In three unanimous rulings on the final day of the 1949-50 term, the court

1. Struck down segregation on railroad dining cars.
2. Ordered the University of Texas to admit a Negro to its white law school because its Negro law school does not yet offer "substantial equality in the educational opportunities offered white and Negro students by the State."
3. Ordered the University of Oklahoma to remove restrictions on a Negro graduate student forced to sit, study and eat apart from white students.

Chief Justice Vinson delivered the latter two 9-to-0 rulings. Justice Burton delivered the 8-to-0 dining-car ruling, Justice Clark not taking part in that case.

The unanimity of the court, especially in the two school cases, was an obvious feather in the Chief Justice's cap. For few cases since early New Deal days had created so great an interest as the segregation issue, and the court has split on virtually every other major issue this term.

The railroad dining-car segregation was thrown out on the simple grounds that it violated the Interstate Commerce Act making it unlawful for a railroad to subject a passenger "to any undue or unreasonable prejudice or disadvantage in any respect whatsoever . . ."

The educational cases were more difficult. The Federal Government had joined the two Negroes involved (Heman Marion Sweatt in Texas and G. W. McLaurin in Oklahoma) in asking the court to reexamine and strike down the ancient doctrine that States may maintain "separate but equal" facilities, such as schools, without violating the Fourteenth Amendment's injunction on the States not to deny to any person "the equal protection of the laws." Texas, on the other hand, asked that the "separate but equal" ruling in the Plessy case of 1896 be reaffirmed.

Vinson specifically stated that the court could not agree that in the Texas case there should be such a reaffirmation. But in the next sentence Vinson said there likewise was no need to reexamine the Plessy doctrine.

The net of the two school decisions thus was that States may continue to practice segregation if—and it now becomes a tremendous "if"—they provide substantially equal facilities. The two cases decided concern graduate schools where the expense of duplicate facilities is tremendous for the poorer Southern States.

"Equal Facilities" Issue

The decisions do not specifically affect grade or high schools or even undergraduate colleges in the 17 States and the District of Columbia where segregation exists. But the line of reasoning would seem to cover them all. The recent Court of Appeals decision in the Arlington County school case appears, for example, to be in line with yesterday's high court rulings.

Pending the equalization of facilities, under yesterday's ruling, States must admit Negroes to their graduate schools. But the implication also was clear that they may revert to segregation once substantially equal facilities are provided. Only when that is done, it now appears, will be Supreme Court consider whether a student may be excluded from a State-supported school merely because of his race without violating the Constitution.

These were the three cases decided yesterday:

1. Railroad dining cars. Elmer W. Henderson, now of Washington, was refused service on a Southern Railway Co. diner in 1942 because there were no empty seats at tables reserved for Negroes although there were seats a tables for whites. The Interstate Commerce Commission, after Henderson brought charges, did alter its regulations but still required a division of tables on a race basis with a curtain between the two groups.

Mitchell Case Cited

Burton said the case was parallel to and controlled by the earlier case involving former Representative Mitchell (D., Ill.), who had been denied a Pullman seat because he was a Negro. As it had in that case, the court declared yesterday the ICC and the railroad were causing Negro passengers to be "subjected to undue or unreasonable prejudice or disadvantage" in violation of the ICC Act. Then Burton continued:

"Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations. The denial of dining service to any such passenger by the rules before us subjects him to a prohibited disadvantage.

"Under the rules only four Negro passengers may be served at once time and then only at the table reserved for Negroes. Other Negroes who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner. The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities. The rules impose a like deprivation upon white passengers whenever more than 40 of them seek to be served at the same time and the table reserved for Negroes is vacant.

"We need not multiply instances in which these rules sanction unreasonable discriminations. The curtains, partitions and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

Burton swept aside arguments that in general enough seats were provided for Negroes and that the white passengers have the same disadvantages as the Negroes. He declared that "discriminations that operate to the disadvantage of two groups are not the less to be condemned because their impact is broader than if only one were affected."

The court ordered the lower court to set aside the ICC order and to tell the ICC to change its rules in line with the decision.

2. University of Texas. The Chief Justice said this and the following Oklahoma case presented different aspects of a single question: "To what extent does the equal protection clause of the Fourteenth Amendment limit the power of a State to distinguish between students of different races in professional and graduate education in a State university?"

Court Sticks to Tradition

Vinson said "broader issues"—meaning a reexamination of the "separate but equal" issue—had been advanced by the court was adhering "to the principle of deciding constitutional questions only in the context of the particular case before the court." He said the court had frequently declared it would decide constitutional questions "only when necessary to the disposition of the case at hand . . ."

The Chief Justice took the unusual step of adding:

"Because of this traditional reluctance to extend constitutional interpretations to situations or facts which are not before the court, much of the excellent research and detailed argument presented in these cases is unnecessary to their disposition."

Sweatt first asked admission to the Texas law school in 1946 and was refused because he was a Negro. At that time there was no Negro law school. Sweatt's legal moves resulted in the setting up of such a school, however, and the State courts held its facilities were "substantially equivalent" to those at the white school.

No "Substantial Equality"

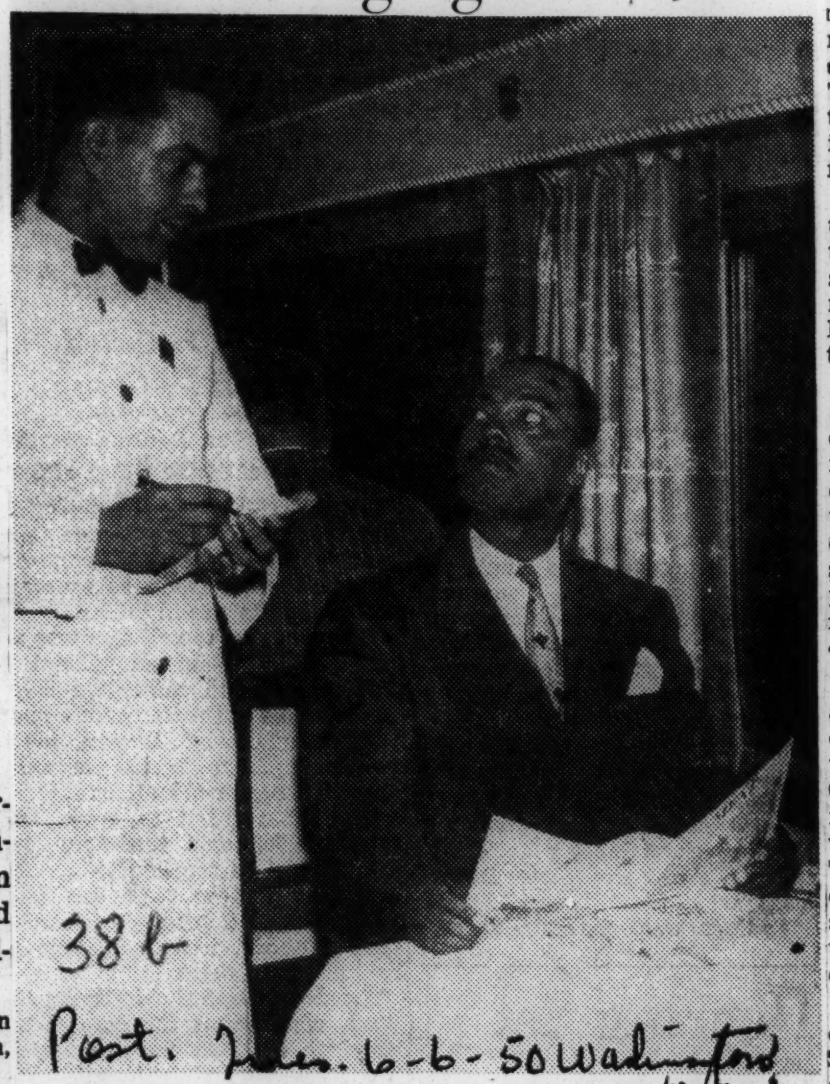
At some length, Vinson compared the number of faculty members, of students and of law library books in each. He noted that the Negro school "is apparently on the road to full accreditation." But the court ruled it still does not offer "substantial equality," and the Chief Justice added that "it is difficult to believe that one who had a free choice between these law schools would consider the question close."

Then Vinson went on:

"Moreover, although the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned."

He noted that the white school represents 85 percent of the State's population, most of its lawyers, witnesses, jurors, judges and "other officials with whom petitioner

Winner in Segregation Suit



Associated Press Photo

IN DINING CAR—Elmer W. Henderson (seated), whose suit was the basis for the Supreme Court decision barring segregation in dining cars, orders meal yesterday in train from Washington to Baltimore. Waiter is Stanford Peters of Boston 37-year-old son of the late Eugene Talmadge who has carried on his father's fight to uphold the Southern traditions of segregation.

Talmadge will run for a new four-year trem in the Georgia primary June 28 against former Acting Gov. M. E. Thompson.

Talmadge Defiant Of High Court's Ruling

Atlanta, June 5 (U.P.).—Gov. Herman Talmadge defied the U. S. Supreme Court today by asserting that "as long as I am yuor governor, Negroes will not be admitted to white schools."

Talmadge issued a bitter statement on the high court's ruling against segregation at the Universities of Texas and Oklahoma and in railway dining cars.

"The line is drawn," said the

(Sweatt) will inevitably be dealing when he becomes a member of the Texas bar."

"With such a substantial and significant segment of society excluded" from the Negro school, Vinson continued, "we cannot conclude that the education offered petitioner is substantially equal to that which he would receive if admitted to the University of Texas Law School."

Vinson swept aside contentions that the exclusion of Negroes was not different from the exclusion of whites from the Negro school. He said that overlooked "realities." Vinson said the two school cases concern "rights which are personal and present" and cited previous rulings along the same line.

The Chief Justice concluded that Sweatt could "claim his full constitutional right: legal education equivalent to that offered by the State to studens of other races." The opinion flatly stated in conclusion that the Fourteenth Amendment's equal protection clause "requires" Sweatt to be admitted to the white law school.

3. University of Oklahoma. McLaurin, seeking a doctorate degree in education, had been admitted to the graduate school as a result of previous Supreme Court rulings but the State forced him to sit, eat and study in segregated areas within the same classroom, cafeteria and library as used by white students.

Vinson termed McLaurin's case "perhaps the epitome" of the need "for trained leaders" in an "increasingly complex" society. He noted that those who are later taught by McLaurin will be affected by the education he receives.

Vinson said:

"It may be argued that appellant (McLaurin) will be in no better position when these restrictions are removed for he may still be set apart by his fellow students.

JIM CROW GUIDE to U.S.A.

You Can Go Hungry in Land of Plenty

Dining Car Facilities Anything But Equal

38b

Henderson Case Testing Issue; Courts Best Means of Fighting

This is the Ninth article of an exclusive AFRO series, "Jim Crow Guide to the U.S.A.," condensed from a book to be published by Gaer Associates at $1 next spring.

By STETSON KENNEDY and ELIZABETH GARDNER
(Illustrated by Marion Palfi)

If you are a non-white person traveling by train in segregated terriory, you are likely to find that only the "last call to dinner" will be made in the colored coaches, after most whites have finished eating. This will, of course, entail your going hungry for an hour or two.

In the dining car you will be required to sit at one end behind a darwn curtain which will largely shield you from the eyes of white diners.

These curtains are to comply with the segregation laws, and are said to be necessary inasmuch as many white people are made phsically ill by the sight of non-whites partaking of food among them on a basis of equality.

There are generally only one or two tables set aside for colored persons and you will have to wait your turn at one of these, even though many white tables may be unoccupied. In fact, the dining period may end before you can be accommodated.

Once seated, however, you are likely to fare exceptionally well, since the waiters are non-white.

The Henderson Case

Over seven years ago, during 1942, Elmer W. Henderson filed a complaint with the Interstate Commerce Commission charging that he had been denied dining car service on two occasions during an interstate trip on the Southern Railroad.

Upon entering the diner he had found whites occupying one of the separate tables and colored persons occupying the other, with a curtain between them.

He was told each time there were no seats available. The ICC ruled that this was no basis for awarding damages.

Mr. Henderson then appealed to the U.S. District Court in Baltimore, Maryland, which sent the case back to the ICC for reconsideration. Again the ICC ruled that the Southern Railroad was within its rights.

Railroad Changes Rules

Meanwhile, the railroad changed its regulations as follows:

1. One table in each diner to be reserved exclusively for colored persons.
2. A curtain to be drawn around said table.
3. A "Reserved" card would be placed on said table when not in used by them.

In 1948, the Federal court in Baltimore held that such racial segregation is not contrary to the Constitution, Interstate Commerce Act or other Federal law.

The case is now before the Supreme Court for final review.

JIM CROWS RIDES ON

If you are desirous of traveling by common carrier in the segregated territory in an unsegregated manner, you may now do so by interstate bus with the sanction of the Supreme Court.

It is only fair to warn you, however, that although the high court ruled against segregation on interstate buses in 1946, there has still been little or no breakdown of such segregation in practice.

Lower police courts, many State courts and mob violence have continued to enforce segregation almost as though the Supreme Court had never ruled otherwise.

To take advantage of that ruling you must be willing to take this risk, and incur the expense of appeal to higher courts.

Result of Morgan Case

The Supreme Court's ruling was secured by the NAACP on behalf of Mrs. Irene Morgan, who had been fined by a Virginia court for refusing to be segregated on an interstate Greyhound bus.

In an effort to get around the 1946 decision, the Virginia Assembly in 1946 adopted a new law making it a misdemeanor to cause any unnecessary disturbance in a common carrier by "running through it, climbing through windows or upon seats," or by "failing to move to another seat when lawfully requested to do by the operator." Mrs. Lottie E. Taylor was arrested and fined under this law, and her convction was upheld by the circuit court.

Circumventing the Decision

However, two years later, 1948, the Supreme Court of Virginia held that a State law may not be employed to enforce a regulation of a private company which is repugnant to a Supreme Court decision.

Perhaps in anticipation that the segregation laws may eventually be invalidated, most of the 17 States have long since invested the operators of trains, trolleys, and buses with special police powers as "conservators of the peace" to assign passengers to certain seats.

This is done not in the name of racial segregation, but in the name of "public safety."

'JOURNEY OF RECONCILIATION'

Approximately one year after the Supreme Court ruled against segregation on interstate buses, the Committee on Racial Equality and the Fellowship of Reconciliation jointly organized a "Journey of Reconciliation" to test the efficacy of the Court's decision.

A party of 16 men—some white and some colored, some Northern and some Southern—journeyed through Virginia, North Carolina, Tennessee, and Kentucky, traveling by interstate buses and refusing to be segregated.

Out of 26 tests made, there were 12 arrests, and fines and sentences were imposed. Mob violence threatened to develop several times, and at Chapel Hill, N.C., the group was pursued and the house of the Rev. Charles Jones, white, where they were staying, was stoned.

Three Serve on Road Gang

All of the convictions were overruled upon appeal to higher state courts, except that, because of a technicality, three of the men, Raymard Rustin, Igal Roodenko, and Joseph Felmet, had to serve 30 days on a North Carolina road gang.

The technicality lay in the fact that, although they held interstate tickets, the tickets provided for stopovers within North Carolina, and they were traveling by intrastate bus at the time of the violation.

HOW TO COLLECT

While the Supreme Court's decision has still not materially affected segregation, it has facilitated the collection of damages through civil suits against the bus companies which are responsible for the arrest of persons who refuse to be segregated.

For instance, just a few months after the Court's decision, the Rev. William J. Simmons sued the Greyhound Lines for $20,000 for ejecting him because of his refusal to take a back seat.

The jury, in the U.S. District Court at Roanoke, Va., at first refused to award damages.

However, Judge John Paul refused to accept this verdict, and instructed the jury to reconsider and make a nominal award. Whereupon the jury allotted the Rev. Simmons $25.

Victory Mainly Moral

In a 1947 case, John H. Raigns sued the Carolina Coach Company for $10,000, and was awarded $250

The same year, Mrs. Leona Parker sued Greyhound Lines for $20,000 in North Carolina, but accepted $200 in an out-of-court settlement.

Charles B. Hauser, on the other hand, sued Atlantic Greyhound at Winston-Salem, N.C., and the company settled with him for $2,000.

Generally speaking, you can collect damages in the following situations:

1. If you are forcibly segregated, ejected or arrested for refusing to be segregated whlie traveling interstate by bus.
2. If you are segregated, in interstate or local travel, in a grossly unequal manner.
3. If in imposing segregation upon you an agent of the transportation company is grossly abusive or violent, without provocation on your part.

What You Must Do

In any such situation you should calmly but firmly state your rights. Then if those rights are violated you should seek to obtain the names of witnesses, the company agent and arresting officer, if any.

NAACP has prepared an excellent pamphlet on this subject, entitled "Defending Your Civil Rights," which may be obtained from its national offices at 20 West 40th St., New York, N.Y.

Should you require legal assistance, call upon the NAACP, the Civil Rights Congress, American Civil Liberties Union or some similar organization.

NEXT WEEK—You Can Always Get A Job If Your Color Is Right.

ORGANIZATION BRIEFS IN HENDERSON CASE DENIED

WASHINGTON, D. C.—(NNPA)—The United States Supreme Court Monday denied the Anti-Defamation League of B'nai B'rith and the American Jewish Committee permission to file a brief as friends of the court in the Henderson case.

At the same time, the high tribunal granted permission to Representative Sam Hobbs, Democrat, of Alabama, to appear and present oral argument as a friend of the court during the hearing of the case.

No reason was given by the court for its action. Under the rules, an individual or an organization may file a brief as a friend of the court if all parties involved give their consent. If not, leave of the court is required.

Elmer W. Henderson, the appellant, and the United States and the Interstate Commerce Commission, appellees, gave their consent, but the Southern Railway Company, an intervening respondent, refused its consent.

STRESS REGULATIONS

In their motion for leave to file a brief as friends of the court, the Anti-Defamation League and the American Jewish Committee said they intended to stress that the regulations of the Interstate Commerce Commission permitting racial segregation in railroad dining cars may operate to deny the "constitutionally safeguarded rights" not only of colored travelers but also of other groups.

They also said they intended to point out that the regulations of the commission are in conflict with the treaty obligations of the United States under the United Nations Charter and "with the policy which finds expression in the Universay Declaration of Human Rights, adopted and proclaimed on December 10, 1943, by the General Assembly of the United Nations with the concurrence of the representative of the United States.

Mr. Hobbs previously had been allowed to file a brief at the suggestion of southern members of the House Judiciary Committee, of which he is a member. In the brief he contends that abolition of racial segregation in railroad dining cars "would be the kiss of death and render operation of the railway impossible."

BRIEFS FILED

With permission of the court, briefs in support of Mr. Henderson's contentions have been filed by the American Veterans Committee, the National Association for the Advancement of Colored People, the National Lawyers Guild, the Congress of Industrial Organizations, and the American Jewish Congress.

Mr. Henderson, director of the American Council on Human Rights, is appealing from a decision of the Federal District Court for Maryland dismissing his complaint in which he sought to have set aside an order of the Interstate Commerce Commission approving dining car regulations providing for racial segregation in railroad dining cars.

The Justice Department, on behalf of the United States which was required to be named as a defendant, in asking the court to overturn its 54-year-old "separate but equal" doctrine and prohibit railroads from furnishing dining car services on a segregated basis.

Delay Jim Crow Travel Case

WASHINGTON — The case of Elmer Henderson, Jim Crow Travel Suit, which was originally scheduled for argument before the Supreme court last year and later postponed until February, was postponed again this week until the week of March 13.

Two important cases dealing with segregation in graduate schools, one involving Sweatt vs. the State of Texas and the other McLaurin vs. State of Oklahoma are also scheduled for hearings during that same week.

Henderson Case Postponed Again Hearing March 13

WASHINGTON (ANP) — The case of Elmer Henderson against the United States which was originally scheduled for argument before the Supreme Court last year and later postponed until February, was postponed again thise week until the week of March 13.

Two other important cases dealing with segregation in graduate schools, one involving Sweatt vs. the State of Texas and the other McLaurin vs. State of Oklahoma are also scheduled for hearings during that same week.

These three cases plus the tidelands oil case are considered the four most important cases before the high court during the 1949-50 term. For that reason they have been postponed until Justice William O. Douglas is able to be back on the bench. The associate justice injured himself in a horseback accident last fall and has been unable to be on his post of duty during this court term.

He is now rapidly recuperating and is expected to be back on the bench by March 1. The court has now gone into a two-week recess and expects to be back in session by the first of the month.

House Unit Holds Hearing

Preston Speaks Only for Self—Rooney

By LOUIS LAUTIER

WASHINGTON, (NNPA) — United States Solicitor General Philip B. Perlman took full responsibility for the decision of the Justice Department to file a brief for the Government in opposition to the position of the Interstate Commerce Commission in the Elmer W. Henderson case, hearings on the 1951 appropiations for the Justice Department show.

The official hearings, made public last Friday by the House Appropriations Committee, reveal that Rep. Prince H. Preston (Dem. Ga.) attempted to grill the Solicitor General about the brief in the Henderson case which is awaiting argument in the United States Supreme Court, and to criticize him for it.

Mr. Perlman, however, did not back up in his position that his action was correct, but told the Georgia Congressman that he would continue to do in the future what he has done in the past.

Spoke Only for Himself

At the end of Mr. Preston's interrogation, Rep. John J. Rooney, of New York, chairman of the subcommittee on Justice Department appropriations, reminded the Georgian that he spoke only for himself.

"I know nothing about the details of the Henderson case," said Mr. Rooney. "I have great regard for the Solicitor General. I am sure that with his ability and his integrity, he is doing what he thinks is the right thing he should do under the law."

Mr. Henderson, American Council on Human Rights director, is asking the Supreme Court to reverse a decision of the Federal District Court for Maryland upholding an order of the Interstate Commerce Commission approving Southern Railway regulations requiring segregation of colored passengers in dining cars.

Denies Equal Treatment

In the Justice Department, brief it is argued that the order of the Interstate Commerce Commission approving the regulations is unconstitutional because it denies colored passengers the equality of treatment to which they are entitled under the Constitution and the Interstate Commerce Act.

The brief also contends that the "separate but equal" doctrine does not control the issues in the case, but that doctrine, if it be deemed applicable, should be reexamined and discarded.

Preston asked Mr. Perlman whether it was his responsiblity to maintain the position taken by the various Government agencies in litigation. He replied that his office "normally" supported the position of such agencies, but occasionally has decided that the agency's position was not sound and has so advised the Supreme Court.

U.S.A. Party in Case

"Do you think the Henderson case is one of those cases?" Mr. Preston asked. Explaining that the United States itself is a party in the Henderson case, Mr. Perlman said his office decided that the position of the ICC was unsound and "we decided to take a different position."

"Who decided that, Mr. Perlman?" the Georgian asked.

"I did," replied the Solicitor General. He added that he had talked it over with Justice Tom Clark, who was then the Attorney General. Before the Supreme Court decided to review the case, Mr. Perlman said, the ICC had prepared a motion to affirm the judgement of the three-judge district court.

"They worked on it without any notice to me," he said, and sent it over for his signature. The Solicitor General said he sent the motion to the Anti-trust Division, which handles Interstate Commerce maters, and the Anti-trust Division returned it to him with a recommendation that "I do not approve it," he said, adding:

Refused to Sign

"So I notified the Interstate Commerce Commission that I would not sign the motion to affirm. I did not think the court would grant it in the first place, and I did not think it was sound in the second place."

Preston tried to get Mr. Perlman to say that in filing the brief, he, in effect, "undertook to write into law through judicial process something that Congress would never do by legislative process."

"All that we did was to ask the Supreme Court to construe the act of Congress in the way that we think it should be construed," replied Mr. Perlman.

The Solicitor General denied that the Supreme Court had repeatedly passed on the question involved in the Henderson case. "It had not come up in just that form before," he asserted, adding:

"As a matter of fact, the regulation involved in the Henderson case was litigated in an earlier case before a three-judge Federal Court, and the court in that case passed on the first regulation of this character and decided that the regulation was invalid, and sent it back to the ICC.

True Equality!
WHAT IS IT?

By.P.L.Prattis

Washington-Members of the Supreme Court were asked Monday by Attorney General J. Howard McGrath to inquire into "the purpose, nature and effect of legally enforced segregation" and "to re-examine the so-called separate but equal doctrine."

McGrath's plea was made on behalf of Elmer Henderson, who had sued the Southern Railroad, because an attempt was made by one of its agents to make Henderson eat behind a curtain in a dining car. When the case was originally brought before the Interstate Commerce Commission, the railroad contended that it was lawfully providing separate but equal facilities. Its position was upheld by the Commission.

McGrath, on behalf of the Government and Henderson, is asking the high court to overrule the ICC.

He told the court that legally enforced separation is of itself a form of inequality and discrimination.

Facilities provided under the separate but equal doctrine are not and never will be equal contended the Attorney General. He insisted that it takes more than equality of "knives and forks" and "tables and table linen" to make true equality. The dining room barrier, asserted Mr. McGrath, is a ceremonial symbolizing a legally enforced caste status.

"It matters not what your intelligence may be, or your moral character or your achievement," declared Mr. McGrath. "If you have one drop of Negro blood and it is discernable, you are beyond the pale and separated from the rest of the community."

Decision Reveals Why Supreme Court Ruled Dining Car Segregation Illegal

Afro-American, Bait., 7-1-50.
Baltimore, Md.

Passengers Placed at Unfair Disadvantages; Limited Demand, Effect on Whites No Excuse

In handing down its decision in the case of Elmer Henderson against the Interstate Commerce Commission and the Southern Railroad, the U. S. Supreme Court on June 5 ruled that dining car segregation is illegal because it places pessengers at unfair disadvantage under the Interstate Commerce Act.

The full text of the decision, as read by Justice H. Burton, follows:

The question here is whether the rules and practices of the Southern Railway Company, which divide each dining car so as to allot 10 tables exclusively to white passengers and 1 table exclusively to colored passengers, and which call for a curtain or partition between that table and the others, violate Section 3, Article I of the Interstate Commerce Act.

That section makes it unlawful for a railroad in interstate commerce "to subject any particular person, . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

We hold that those rules and practices do violate the Act.

This issue grows out of an incident which occurred May 17, 1942.

Was U.S. Employee at Time

On that date the appellant, Elmer W. Henderson, a colored passenger, was traveling on a first-class ticket on the Southern Railway from Washington, to Atlanta, en route to Birmingham, in the course of his duties as an employee of the United States.

The train left Washington at 2 p.m. At about 5:30 p.m., while the train was in Virginia, the first call to dinner was announced and he went promptly t o the dining car.

In accordance with the practice then in effect, the two end tables nearest the kitchen were conditionally reserved for colored persons.

At each meal those tables were to be reserved initially for colored passengers and, when occupied by them, curtains were to be drawn between them and the rest of the car.

If the other tables were occupied before any colored passengers presented themselves at the diner then those two tables also were to be available for white passengers, and colored persons were not to be seated at them while in use by white passengers.

Never Received Call

When the appellant reached the diner, the end tables in question were partly occupied by white passengers but at least one seat at them was unoccupied.

The dining-car stewart declined to seat the appellant in the dining car but offered to serve him, with-out additional charge, at his Pullman seat.

The appellant declined t h a t offer and the steward agreed to send him word when space was available.

No word was sent and the appellant was not served, although he twice returned to the diner before it was detached at 9 p.m.

Complained to ICC

In October, 1942, the appellant filed a complaint with the Interstate Commerce Commission alleging especially that the foregoing conduct violated Section 3, Article I of the Interstate Commerce Act.

Division 2 of the Commission found that he had been subjected to undue and unreasonable prejudice and disadvantage, but that the occurrence was a casual incident brought about by the bad judgment of an employee.

The Commission declined to enter an order as to future practices.

Md. Court Orders New Trial

A three-judge United States District Court for the District of Maryland, however, held that the railroad's general practice, as evidenced by its instructions of Aug. 6, 1942, was in violation of the Act. Accordingly, on Feb. 18, 1946, it remanded the case for further proceedings.

Effective March 1, 1946, the company announced its modified rules which are now in effect.

They provide for the reservation of 10 tables, of 4 seats each, exclusively and unconditionally for white passengers and one table, of four seats, exclusively and unconditionally for colored passengers.

Between this table and the others a curtain is drawn during each meal.

Had to Ask Another Order

On remand, the full Commission, with two members dissenting and one not participating, found that the modified rules do not violate the Interstate Commerce Act, and that no order for the future is necessary.

The appellant promptly instituted the present proceedings before the District Court, constituted of the same three members as before, seeking to have the Commission's order set aside and a cease and desist order issued.

With one member dissenting the court sustained the modified rules on the ground that the accommodations are adequate to serve the average number of colored passengers and are "proportionately fair."

The case is here on direct appeal.

In this Court, the United States filed a brief and argued orally in support of the appellant.

It is clear that appellant has standing to bring these proceedings. He is an aggrieved party, free to travel again on the Southern Railway.

Having been subjected to practices of the railroad which the Commission and the court below found to violate the Interstate Commerce Act, he may challenge the railroad's current regulations on the ground that they permit the recurrence of comparable violations.

The material language in Section 3, Art. I of the Interstate Commerce Act has been in that statute since its adoption in 1887.

From the beginning, the Interstate Commerce Commission has recognized the application of that language to discriminations between white and colored passengers.

That section recently was so applied in Mitchell vs. United States.

Precedent of Mitchell Case

The decision o f this case is largely controlled by that in the Mitchell case. There a colored passenger holding a first-class ticket was denied a Pullman seat, although such a seat was unoccupied and would have been available to him if he had been white.

The railroad rules had allotted a limited amount of Pullman space consisting of compartments and drawing rooms, to colored passengers and, because that space was occupied, the complainant was excluded from the Pullman car and required to ride in a second-class coach.

Hit Unfair Disadvantage

This Court held that the passenger thereby had been subjected to an unreasonable disadvantage in violation of Section 3, Article 1.

The similarity between that case and this is inescapable. The appellant here was denied a seat in the dining car although at least one seat was vacant and would have been available to him, under the existing rules, if he had been white.

The issue before us, as in the Mitchell case, is whether the railroad's current rules and practices cause passengers to be subjected to undue or unreasonable prejudice or disadvantage in violation of Section 3.

We find that they do.

The right to be free from unreasonable discriminations belongs, under Section 3, to each particular person.

Where a dining car is available to passengers holding tickets entitling them to use it, each such passenger is equally entitled to its facilities in accordance with reasonable regulations.

Similarity Pointed Out

The denial of dining service to any such passenger by the rules before us subjects him to a prohibited disadvantage. Under the rules, only four colored passengers may be served at one time and then only at the table reserved for colored persons.

Others who present themselves are compelled to await a vacancy at that table, although there may be many vacancies elsewhere in the diner.

The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities.

The rules impose a like deprivation upon white passengers whenever more than 40 of them seek to be served at the same time and the table reesrved for colored persons is vacant.

We need not multiply instances in which these rules sanction unreasonable discriminations.

The curtains, partitions a n d signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility.

Cf. McLaurin v. Oklahoma State Regents, ante p.—, decided today. They violate Section 3.

Limited Demand No Excuse

Our attention has been directed to nothing which removes these racial allocations from the statutory condemnation of "undue or unreasonable prejudice or disadvantage. . . ."

It is argued that the limited demand for dining-car facilities by colored passengers justifies the regulations.

But it is no answer to the particular passenger who is denied service at an unoccupied place in a dining car that, on the average, persons like him are served.

As was pointed out in Mitchell v. United States, "the comparative volume of traffic cannot justify the denial of a fundamental right of equality of treatment, a right specifically safeguarded by the provisions of the Interstate Commerce Act."

Effect on Whites No Excuse

That the regulations may impose on white passengers, in proportion to their numbers, disadvantages similar to those imposed on colored passengers is not an answer to the requirements of Section 3.

Discriminations that operate to the disadvantage o f two groups are not the less to be condemned because their impact is broader than if only one were affected.

Since Section 3 of the Interstate Commerce Act invalidates the rules and practices before us, we do not reach the constitutional or other issues suggested.

The judgment of the District Court is reversed and the cause is remanded to that court with directions to set aside the order of the Interstate Commerce Commission which dismissed the original complaint and to remand the case to that Commission for further proceedings in conformity with this opinion.

Mr. Justice William O. Douglas concurs in the result.

Mr. Justice Tom C. Clark took no part in the consideration or decision of this case. (As Attorney General, he had filed a brief in Henderson's behalf.)

This is the the crux of the decision in regard to our plea that segregation in itself is inequality.

Separate but Equal Ripped to Pieces By Supreme Court

Courier Post 6-24-50

By MARJORIE McKENZIE

WASHINGTON—The simplicity and brevity of the Supreme Court's unanimous opinion in Henderson v. U. S. accomplish several desirable legal and political results. It can be understood by everybody, which is good, since fundamental human rights should be clear, not complex. It rests on the Interstate Commerce Act, which means that Congress, not the Supreme Court, is the responsible authority behind the decision. It reveals the factual, individual approach which the Court is disposed to take in civil rights cases. Its language offends no one and so it is a workable mandate.

In answer to criticisms that the Court did not reach the constitutional question and did not overrule Plessy v. Ferguson, the 1896 Supreme Court decision which established the separate but equal doctrine, two replies are possible: (1) There is more than one way of skinning a cat. (2) Let's wait and see what civil rights lawyers can do in following the route pointed out by the Henderson decision.

Miss McKenzie

Mr. Justice Harold Burton, a Republican from Ohio, who wrote the opinion said that the question in the case was whether the rules and practices of the Southern Railway Company which divide each dining car so as to allot ten tables exclusively to white passengers and one table exclusively to Negro passengers, and which call for a curtain or partition between that table and the others, violate Sec. 3 (1) of the Interstate Commerce Act.

SIXTY-THREE YEARS OLD

This section was adopted by Congress in 1887 and states:

"It shall be unlawful for any common carrier . . . to make, give, or cause any undue or unreasonable preference or advantage to any particular person . . . in any respect whatsoever; or to subject any particular person . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

Justice Burton held that the Southern Railway's regulation, which had been approved by the Interstate Commerce Commission, did violate the Act. He pointed out that the Commission itself, in a series of decisions not subjected to court review, has recognized that this part of the Act applies to discrimination between white and Negro passengers.

COVERS ALL RULES

The Court refers to all of the regulations by which the Southern Railway has segregated Negro passengers who seek dining car service. These include the rules in effect when the case arose and two subsequent changes. During the oral argument in April. Mr. Justice Frankfurter queried the Southern's counsel about Henderson's right to complain of the present regulations since they are different from those under which he experienced discrimination. One this point, Justice Burton said,

"It is clear that appellant (Henderson) has standing to bring these proceedings.. He is an aggrieved party, free to travel again on the Southern Railway. Having been subjected to practices of the railroad which the Commission and the court below found to violate the Interstate Commerce Act, he may challenge the railroad's current regulations on the ground that they permit recurrence of comparable violations."

This is important. If the Supreme Court had held that a change in regulations deprives the litigant of his interest in the controversy, all that wily defendants would have to do to prevent courts from reviewing their discriminatory actions would be to change their rules periodically.

CITES MITCHELL CASE

Justice Burton did not dip very deeply into the vast and growing body of precedent on minority rights, which, taken together, are beginning to spell out the national policy against discrimination. He said the Henderson case is largely controlled by the Mitchell decision:

"There a Negro passenger (Congressman Arthur W. Mitchell of Chicago), holding a first-class ticket was denied a Pullman seat, although such a seat was unoccupied and would have been available to him if he had been white."

Then he states,

"The right to be free from unreasonable discrimination belongs, under Sec. 3 (1) to each particular person. Where a dining car is available to passengers entitling them to use it, each passenger is equally entitled to its facilities . . ."

This is also the answer to contentions regarding the average demand for service by Negro and white passengers and arrangements providing for average service.

Pointing out that under the present rules only four Negroes can be served at one time although there are vacancies in the diner and that similar deprivations are imposed on white passengers when there are more than forty, Justice Burton adds,

"The railroad thus refuses to extend to those passengers the use of its existing and unoccupied facilities."

The fact that white passengers may also be deprived service does not help,

"Discriminations that operate to the disadvantage of two groups are not the less to be condemned because their impact is broader than if only one were affected."

INFERIORITY SYMBOLS

There are arguments that were made by counsel for Henderson. And, with regard to those all important symbols of inferiority—the green curtains, the wood and metal partitions—which the Henderson brief was insistent about invalidating and on which it was well documented, the Court said,

"The curtains, partitions and signs emphasize the artificiality of a difference in treatment which serves only to call attention to a racial classification of passengers holding identical tickets and using the same public dining facility."

The Court admits that it does not reach " the constitutional or other issues suggested" because it holds that Sec. 3 (1) of the Interstate Commerce Act invalidates the railroad's rules. But we may note that the language of this section quoted above, says nothing about race or prohibiting racial discrimination in so many words.

It has been construed by the Court to include this concept, a construction which is compelled only by reference to constitutional principles and such recent decisions as Shelly v. Kraemer, Steele v. Louisville, Morgan v. Virginia, New Negro Alliance v. Sanitary Grocery Company, Bob-Lo Excursion Company v. Michigan and others. In fact, then, the constitutional question is met and answered. And, by analogy, we may expect the Supreme Court to indulge in similar interpretations when questions concerning other Congressional enactments, with equally inexplicit language, come up.

FEDERAL STATUTES

Since 1933 a score of different Federal statutes or appropriation acts have been adopted by Congress directly forbidding racial discrimination. Among these are the Selective Service Classification Act of 1940, the Civilian Conservation Corps Act of 1937, the Nurses Training Act of 1933, and various appropriation acts, such as those for the National Youth Administration and the Federal Security Agency.

These statutes do not prohibit segregation, and the Selective Service Act apparently does not pose any racial questions which a court will consider. But, if we show the Supreme Court by careful, factual demonstrations in individual instances, how segregation operates always to result in inequality, we see in the Henderson decision how the Court will rule.

And, there is strong indication that those statutes which have no specific language banning discrimination, but which involve Federal rights, will be subjected to the same close scrutiny.

BURY THE GHOST

Where a series of decisions like Henderson, Sweatt and McLaurin will end is obvious. In themselves they shred the rule of Plessy v. Ferguson to the point where no Southern attorney general, sensible or otherwise, would rely on it. If, in fact, the Supreme Court refuses to follow precedent, no real ground need be lost by its refusal to name the ghost and bury it. That will come in the next case or a half-dozen cases from now when everybody is used to the idea. Smith v. Allright is no less effective in establishing the Negro's right to vote in Southern Democratic primaries because an earlier contrary decision was not expressly overruled.

In the Henderson opinion, the Court does not tell white Southerners they will have to eat with Negro diners. This is what will happen, though, unless white Southerners either abstain from eating or carry lunch baskets as Negro passengers have had to do. The Court is being politic, objective and technical. It is sticking to the facts. As usual, it does not enunciate broad legal principles outside of the factual context. This is perhaps a wise judicial course in a matter involving interstate commerce, a field which Congress may occupy fully and in which the only limits on its power appear to be procedural due process limits.

In the Henderson decision, the Court is responding to pressure against it which results from a failure of the legislation, in this instance the Congress, to provide an exact legislative remedy against discrimination and segregation in interstate travel. The lower Federal Courts, faithful to the Supreme Court's direction, without the exercise of Supreme Court review. Above all, we see the importance of pursuing our rights in the Courts and continuing to mobilize public opinion behind the fight.

Finally, then, the consequence of the Henderson decision and its exploitation are up to us. Its greatest impact could be felt in cases involving similar issues in

Bar Supports Henderson Case Plea

WASHINGTON, D. C.—(NNPA) — The Civil Rights Committee of the National Bar Association last Saturday filed a brief in the United States Supreme Court in support of the contention of Elmer W. Henderson that race segregation on railroad dining cars is illegal.

The committee obtained permission from Mr. Henderson, the Southern Railway Company, the United States and the Interstate Commerce Commission to file the brief as a friend of the court.

Explaining its interest in the case the committee pointed out that members of the association are colored lawyers who must utilize all facilities of the railroads in the pursuit of their profession.

In the view of the committee, the brief said, the question raised by Mr. Henderson affects the rights of every member of the association stems from the effects the decision of the case will have on its members.

PARTICIPATION ASKED

The committee inferentially asked the high tribunal to permit its lawyers to participate in the argument of the case. As colored Americans, the brief stated, the members of the association share the conviction that the question presented for review will be more adequately considered by argument and authorities which have been obtained by research of its Civil Rights Committee.

The attention of the court was invited to the fact that in addition to the rights of its members and Mr. Henderson, the question presented touches on the basic rights of more than 15,000,000 colored Americans.

The main argument of the association is that the dining car regulations of the Southern Railway are illegal. These regulations require one of the end tables nearest the kitchen in the dining car to be reserved exclusively for colored passengers and curtained off from the other tables.

The brief was signed by Joseph R. Booker, Little Rock, president of the National Bar Association; Richard E. Westbrooks, Chicago, chairman of the Civil Rights Committee; George N. Leighton, Zedrick T. Braden, Lucia T. Thomas, William A. Booker Georgia Ellis Jones, Earl B. Dickerson, Josephk E. Clayton, Jr., committee members. All of the signers are also counsel for the committee.

Dining Car Segregation Facing Test

WASHINGTON — (UP) — Atty. Gen. J. Howard McGrath will go personally before the Supreme Court to attack an Interstate Commerce Commission decision approving segregation of Negroes in dining cars of a Southern railroad.

The Supreme Court tomorrow will hear oral arguments in the case—novel because it finds the Justice Department siding against another Federal agency.

Being tested is the validity of an ICC order approving a plan of the Southern Railway Company to set aside for Negroes one table separated from the rest of the car by a five-foot partition. Fighting the Commission's action is Elmer W. Henderson, Baltimore Negro.

McGrath and Sol. Gen. Philip B. Perlman, representing the United States which was named party to the suit, will argue that the regulation is invalid under both the Consitution and the Interstate Commerce Act.

Rep. Sam Hobbs, Democrat, Alabama, a member of the House Judiciary Committee, will argue on the side of the railroad and the Commission. In a brief filed with the court he said he is taking part "at the suggestion of other members of the Committee."

The brief argues that the railroad's rules are wise. It said Congress has consistently refused to follow the course suggested by the Justice Department.

HENDERSON CASE ARGUED:

U.S. Asks High Court to End Railroad JC

By CARL MURPHY

WASHINGTON

"The Federal Government cannot escape responsibility for its action in this case because it regulates the railroads."

With these words, Attorney General J. Howard McGrath demanded, Monday, that the U.S. Supreme Court orders the end to dining car and other reailroad segregation.

This is the major issue in the case of Elmer Henderson vs. the Southern Railroad and the Interstate Commerce Commission.

Mr. Henderson was denied equal service in the dining car of the Southern Railway. May. 1947 Commission.

Rep. SamHobbs, a member of the House Judiciary Committee, said that he was designated by a majority of both parties on the committee to urge the high court not to pass on the question of segregation.

Say God Began Separation

Declaring that "God was the first author of separation," Hobbs, who said that he counted the late Booker T. Washington and Dr. George Washington Carver as friends, insisted that they were they alive today—would be "advocating separation and not social equality."

The Henderson case was completed at 4:12 p.m. and arguments were immediately begun in the first of two education cases—McLaurin vs. Oklahoma, with Robert Carter, NAACP counsel making the opening argument.

Mr. Carter said that Mr. McLaurin, when first admitted to graduate study at the University of Oklahoha, was put in a separate room. Later, he was kept apart from his classmates by a railing, as was the case when he used the dining hall and library.

Railings Removed

Now, Mr. Carter pointed out, the railings have been removed and Mr. McLaurin has separate seats wherever he goes.

Court adjourned at 4:30 p.m. while traveling as a first-class Pullman passenger from Washington to Birmingham, Ala., as a field representative of the President's FEPC Committee.

300 Jam Corridors

The case to determine the legality of setting aside a separate table in railroad dining cars for colored passengers came up for hearing before a crowded Supreme Court.

There were 300 people waiting outside in the corridors for seats as early as 8:30 a.m., three hours before the doors were open at 11:30 a.m. Only 120 spectators can be accomodated in the courtroom.

The court convened at 12 roon and the first 40 minutes of its time was taken up with admitting some 16 people to the bar, and the delivery of opinions on habeas corpus cases.

Attorney Genera''s Plea

Promptly at 12:40 p.m., Mr. McGrath rose to state the opinion of the appellate. He said in his argument:

1. That the Henderson case was of great national importance affecting millions of people.

2. That the true nature of the case is whether segregation can be legal.

3. That standing alone segregtion is condemned by the Constitution nd the Interstate Commerce Act.

4. That one table in the kitchen of a railroad diner, separated by a curtain or by a partition is a violation of the 14th Amendment.

New Concept Urged

The Attorney General asked the court to re-examine the "separate but equal" doctrine imunciated by the Supreme Court in the case of Plessy vs. Ferguson, decided in 1896.

Mr. McGrath contended that separation on the basis of race can never be equality;

That dividing passengers this means is only a way of signifying that each and every member of one race is not equal to each and every member of the other race; and that a curtain or rope is a "symbol of caste."

Mr. McGrath said the court ought to have its mind open in making its decision, because it speaks with the authority of the Federal Government, which cannot escape responsibility for its action in this case because it regulates the railroad.

Perlman Challenges Railroad

Solicitor-General Philip B. Perlman, who followed Mr. McGrath, challenged the figures given by the Southern Railway showing that only 4% of the passengers using the diners were colored people.

The raildoad used these figures to justify its policy in setting up four seats out of 44 for colored people.

However, the Solicitor General pointed out that the railroad gave no figures on how many colored people actually traveled on the trains and might eat in the diner if there was no segregation.

McGrath Not Interrupted

Attorney General McGrath read his remarks to the court and there was no interruption.

Mr. Perlman spoke extemporaneously and it was probably for this reason that he did not seem to be as forceful as he was when he read his remarks in the hostoric restricted covenant cases.

2 Justices Query Perlman

Mr. Perlman was interrupted by Justice Frankfurter who wanted to know why the court needed to go into segregation at all—why the Justice Department simply couldn't say that the Southern Railway facilities provided for colored people were inadequate and stop at that.

Justice Vinson said that the "separate but equal" doctrine wasn't bad in 1896 when the Plessy vs. Ferguson case was decided. If it is bad now, why wasn't it bad when the case was originally decided.

Solicitor Cites Charges

"We make many charges," Mr. Perlman replied. "Time makes changes and changes conditions. When the Plessy vs. Ferguson case was originally decided, we were much closer to slavery than we are today."

Mr. Perlman argued further that we allow yellow people, red people, and brown people equal facilities in railroad dining cars, and asked why should it be denied colored people.

He said that the time had come for the high court to rule on segregation, and he suggested that we re-examine the Plessy case and adopt a minority report in that case.

At 1:40 p.m., Belford Lawson, attorney for Mr. Henderson, came on. Recess was declared at 2 o'clock.

Lawyers, Students Attend

Among the earliest arrivals for the hearing were Frederick Evans, Howard University ROTC instructor; more than 100 Howard law students, Randall L. Tyus, of the United College Fund and Dr. Thomas Williston.

Among the lawyers seen were: Spottswood Robinson, Oliver Hill and Martin A. Martin, Richmond law partners; Herman Taylor, Raleigh; Q. Thompson, Robert Ming, Belford Lawson, James Nabrit and Charlotte Pinkett; Leslie Perry (Ruth Weyand).

Others on Hand

Others seen in line were: Lewis Morris, former secretary of ex-Rep. Oscar DePriest of Chicago; John Livingston, Mrs. Charlotte Wigginston of this city; Mrs. Vera Banks. Miss Brownie B. Jones and Miss Holly Hayden all of the Richmond Commission on Civil Rights; Emerson Smith, Richmond Council of Churches. Mrs. Marie Wilson, Miss Patricia Wright, John Sadefer, George R. Bell, A. P. Brent.

Lawson Talks All Time

Jawn Sandifer, New York attorney, who was also expected to speak in behalf of Mr. Henderson, did not get an opportunity, the alloted time having been consumed by Mr. Lawson in his presentation. Charles Clark represented the Southern Railway and Allen Crenshaw the Interstate Commerce

Rights Pushes Ahead

ALPHA PHI ALPHA fraternity and the American Council on Human Rights financed Elmer Henderson's Supreme Court battle against the "separate but equal" doctrine, argued here this week. But it was Elmer's own dough and Belford Lawson's unremunerated determination to achieve a Constitutional right that brought the case to the high court level. And in case you're interested in "how much," the cost of printing the case's record alone for the high court presentation was $1,700, and that's just one item. . . . Arkansas Educational Association has opened its memberships to Negro public school teachers. . . . District Judge Clarence Mullins may break Alabama's reputation for legal bias by ruling in favor of Negro firemen suing the Brotherhood of Locomotive Firemen and Enginemen to end employment discriminations. . . . Republican Senate Leader Kenneth Wherry told Clarence Mitchell, NAACP Labor Secretary, he'd settle for abolition of poll tax by constitutional amendment in case he can't get committee approval for his Federal anti-poll tax bill. This is tantamount to saying, abolition of poll tax be damned.

38b 1950

Illinois

Puts OK On Jim

Chicago Negro citizens received a damaging and history-making shock from a member of their own race Tuesday in Federal Judge Michael L. Igoe's court regarding their rights as interstate travelers.

A lone colored woman juror refused to make a last ditch fight against segregation and bowed to the 'white supremacy' reasoning of 11 whites.

Hence, a victory verdict was returned for the Pullman company, the Gulf Mobile and Ohio railroad and 'John Doe' Archer, train conductor, who were sued for $40,000 damages by George M. Leighton, Chicago Attorney, for being mishandled and segregated while en route to Mobile, Ala., Dec. 18-19, 1948.

A motion for a new trial was set Thursday morning for March 8, by Judge Igoe.

Interviewed after the jury verdict, Mrs. Lois McCree, 1235 S. Christiana ave., said that the first ballot was 10-2 for not guilty. In the closeted argument, she said she and a white woman held for a guilty ruling until the rest of the jurors argued that the conductor had no other choice than to carry out the laws of Mississippi and that Leighton, being a lawyer, should have known better than try to correct it. She is quoted as saying the white woman finally agreed and then she finally 'gave in' feeling there was no use in holding out any longer.

Another incident of the trial was the fact that Irwin W. Roemer, chairman of Governor Stevenson's Commission on Human Rights, and counsel for the Pullman company, did not participate in the trial.

This incident, Leighton told the court, was a violation of his rights as an American citizen, who among other things may enjoy interstate travel when, wherever and however he pleases on public conveyances.

The jurist also agreed with the plaintiff that segregation is discrimination. This statement was made after Leighton testified he was ushered to a table behind a curtain which had dirty dishes on it. When he refused to sit down and sat in the lounge instead, he was thrown out by the conductor.

38b 1950

INTERSTATE COMMERCE COMMISSION

ICC Orders Railroads To Stop Dining Car Segregation

Washington, (Atlas) — Segregation of white and Negro travelers on interstate dining cars has been ordered abolished in a directive issue by the Interstate Commerce Commission. The Commission acted in response to a Supreme Court mandate of June, 1950. The directive was addressed specifically to the Southern Railway, but under ICC action it becomes a policy for all railroads.

Southern Railway announced that it had already dropped racial distinctions in its diners. Louisville and Nashville Railway likewise said it had eliminated separating curtains in its dining cars. A number of other southern railroads allegedly still retain segregation. Anyway, the order becomes effective Dec. 15.

The segregation issue was taken to the Supreme Court by Elmer W Henderson, Washington Negro, who charged that he was refused dining car service on the Southern Railway in 1942.

The ICC order carried out the court edict by directing Southern Railway in the future not to refuse or deny dining car service to "ny person, or persons because of race when a dining car with an unoccupied seat or seats" is available.

Order to End Segregation in Diners Issued

WASHINGTON, Nov. 10 (AP).—The nation's railroads Friday got orders to drop segregation of white and Negro travelers on interstate dining cars.

The directive came from the Interstate Commerce Commission, which acted in response to a Supreme Court mandate of last June. It was addressed specifically to the Southern Railway, but under ICC practice it set up the policy to be followed on all rail lines.

Southern promptly announced that it has already dropped racial distinctions on its diners.

The Louisville & Nashville Railway, operating through most of the South, said it has eliminated separating curtains in its diners.

A number of other Southern railways still retain such distinctions. One of them, the Atlantic Coast Line, said it would wait until the ICC order is received and studied by its legal d partment before taking action. The order becomes effective Dec. 15.

Segregation is carried out by means of glass panels, semipartitions and the like.

ICC BACKS UP COURT'S EDICT:

Railroads Told to End Dining Car Segregation

WASHINGTON

The Interstate Commerce Commission on Friday, ordered the nation's railroads to drop segregration of white and colored travelers on interstate dining cars by Dec. 15.

The directive, issued in response to the mandate of the United States Supreme Court of last June in the Henderson case, was addressed specifically to the Southern Railroad.

However, under the practices of the ICC, it set up policy to be followed on all railroad lines. The Southern Railroad immediately announced that it had already dropped racial distinctions toward its riders.

Coast Line to Study Order

Another railroad which indicated that it would comply with the ICC's order was the Louisville and Nashville, which had been separating colored and white diners by a curtain in its dining cars.

The Atlantic Coast Line, however, was one of the Southern railroads still retaining racial distinctions. A spokesman said it would wait until the ICC order is received and studied by its legal department before taking action.

The Coast Line carries out segregation by means of glass panels, semi-partitions, etc.

Jim Crow Cars New Issue

Although Friday's ICC order dealt with dining car service alone, a much broader segregation issue is before the commission in the form of a petition from Miss Lillie Belle Lerez of New York City, for an order barring jim crow cars entirely on trains crossing State lines.

Miss Perez says in her complaint to the ICC that she was humiliated, inconvenienced and discriminated against on a trip from New York to Tampa, Fla., last year.

She says that when the Silver Meteor, operated by the Pennsylvania and Seaboard Air Line Companies, reached Virginia, she was forced to give up her reserved seat and go into a car reserved for colored passengers.

Later on during the trip, she adds, she and the other colored passengers had to make a change of trains not required of white passengers on the Meteor. Miss Perez has sued the two railroads for $100,000 damages.

Henderson Case Recalled

Elmer Henderson of the National Council for Civil Rights instituted the dining car case more than five years ago, on an incident that occurred when he was a field representative of the Fair Employment Practices Committee.

He sued the Southern Railroad on the complaint that he was unable to get a meal on the dining car in 1942 when he was traveling from Washington to Birmingham, Ala.

Kentuckian Wins Suit Against Bus Company

PADUCAH, Ky. -(ANP)- After almost four years of litigation, a judgment for $1,500 was entered in Federal Court here in favor of Miss Elizabeth Whiteside, former Paducah resident, against the Southern Bus Lines, Inc.

The case arose out of an incident which occurred in May, 1946 when Miss Whiteside, an interstate passenger, was forcibly ejected from one of the company's buses at Wickliffe, Ky., because she refused to move to the rear of the bus in compliance with company rules.

Suit was filed on her behalf by the Paducah branch of the NAACP. The first trial, in 1947, was dismissed by Judge Roy M. Shelbourne who held that although racial segregation of interstate passengers had been outlawed by state law, the carriers might still practice racial segregation by company rules.

In an appeal to the United States Court of Appeals, the lower court's decision was reversed. The court held that racial segregation of interstate passengers, whether practiced under state laws or company regulations, was still a burden in interstate commerce, and therefore unlawful.

The case was returned to the District court to determine the amount of damages to be given Miss Whiteside. The second trial, also held before Judge Shelbourne, resulted in the judgement for $1,500 for the plaintiff.

Joseph S. Freeland, white, chairman of the legal redress committee of the Waducah branch of the NAACP, handled the case in the trial court. The appeal was argued by Robert L. Carter, of New York, assistant special counsel for the NAACP, and by Martin A. Martin of Richmond, Va.

Damages For Segregation In Kentucky

Miss Whiteside Wins Case Against Southern Bus Line

Special to Journal And Guide

LOUISVILLE — Damages of $1500 were awarded last week to Miss Elizabeth Whiteside by Judge Roy M. Shelburne of United States District Court on retrial of her suit against the Southern Bus Lines. The retrial was ordered by the United States Circuit of Appeals, to which the case has been carried by the National Association for the Advancement of Colored People.

Miss Whiteside, who was forcibly ejected from a bus on a trip from Cairo, Ill., to Paducah, Ky., on May 6, 1946, at first lost her case in the lower court, which held that the regulation of the bus company requiring Negroes to sit in the rear was reasonable and that Miss Whiteside's refusal to move to the rear was grounds for her removal from the bus.

In November, 1949, the Circuit Court of Appeals sitting in Cincinnati invalidated regulations by bus lines and other public carriers, requiring segregation of pasengers in interstate travel.

BASING ITS DECISION on the Supreme Court ruling in the Morgan case, the court ruled that such separation of passengers placed an undue burden on interestate commerce.

Miss Whiteside was represented in the lower court by Joseph S. Freeland, chairman of the legal redress committee of the Paducah, Ky., NAACP branch, and in the Court of Appeals by NAACP Assistant Special Counsel Robert L. Carter of New York, and Martin A. Martin of Richmond, Va., a member of the NAACP National Legal Committee.

U. S. Court Awards W oman $1500 Damages Against Bus Company for Ejecting Her

LOUISVILLE—Elizabeth Whiteside was awarded $1,500 in damages by Judge Roy N. Shelburne in United States District Court last week in a retrial of her suit against the Southern Bus Company for forcibly ejecting her from a bus here in 1946.

Taken off by police from a bus on a trip from Cairo, Ill., to Paducah, Ky., on May 6, 1946, Miss Whiteside lost her case in the lower court when it held that the regulation of the bus company requiring Negroes to sit in the rear was reasonable and that her refusal to move to the rear was a ground for her removal from the bus.

In Nov. 1949, the Circuit Court of Appeals, sitting in Cincinnati, invalidated regulations by bus lines and other public carriers requiring segregation of passengers in interstate travel. Basing its decision on the Supreme Court ruling in the Morgan case, the court ruled that such separation of passengers placed an undue burden on interstate commerce.

Miss Whiteside was represented in the case by NAACP attorneys.

Test Case Shows 'Iron Curtain' Has Not Been Lowered

Courier
Sat. 7-1-50

NEW ORLEANS—Testing the validity of the recent Supreme Court decisions on non-segregated seating arrangements on railroad dining cars, Dallas Williams, 19, a student of Dillard University, was requested to sit behind a screen on a diner after he had taken a seat in a non-segregated area. Williams, a resident of Mobile, Ala., was returning to New Orleans after a visit to his home town.

In a statement made to the local branch of the NAACP, the youth stated that upon request of the steward to move to a seat behind the screen, he immediately took departure from the dining car after questioning the legality of the request.

Williamson was returning to this city on a Louisville and Nashville train.

AWAIT DECISION

He told the NAAP that upon questioning the steward as to the legality of his request, he was informemd that it was the railroad's policy. The youth said, "I further informed the steward that he was libeling t he L&N to contempt of the United States Supreme Court decision, whereupon he reiterated his request that I move my seat behind the screen."

When he returned to New Orleans, the youth made a report to the railroad company officials and asked for a clarifying statement on the railroad's policy regarding dining car seating arrangements. He stated that officials gave only a vague statement.

The Courier contacted the rail officials and requested a statement regarding the company's policy on its seating arrangements in conjunction with the recent Supreme Court ruling. A company attorney declared: "The reasons for continuing the seating segregation is that we are awaiting a, decision on the matter to be handed down by the Interstate Commerce Commission."

In his statement to the NAACP, Williamson said: "Sunday, June 18, about 5 P. M. en route from Mobile, Ala., to New Orleans on the Louisville-Nashville's Crescent, I went to the end of the diner and sat in a non-segregated seat. I was immediately asked to move to a segregated seat behind the screen by the steward. There were only about ten people seated in the diner.

Upon qustioning the steward as to the legality of his request, I was informed that it was the railroad's policy. I further informed the steward that he was libeling the L&N to contempt of the United State Supreme Court's decision, whereupon he reiterated his request that I move my seat behind the screen.

"After inquiring if his was the final authority on matters pertaining to dining cars," Williamson continued, "I was informed in the affirmative. I refused to take the seat behind the screen."

Concluding, he said in his statement, "I informed the steward that I intended to make a report to the railroad officials upon my arrival in New Orleans."

An Evil Custom Must Be Stopped

The Kansas City Southern railroad should be swamped with letters complaining about the vicious and violent treatment of the Rev. C. C. Wheeler at the hands of a train conductor. Enroute to his home in "free Kansas," the minister was thrown bodily off the train because he refused to go to a "jim crow" coach on a trip from Kansas City to Pittsburg, Kas

There is no "jim crow" railroad law in the states of Missouri and Kansas and the Southern Railroad must stop its custom of directing Negroes to a separate coach, or half-coach, at the Kansas City Union station when they are bound for southern points.

In the Rev. Mr. Wheeler's case, he was not even going as far as the Mason-Dixon line. He was bound for a point in Kansas. The minister not only should fight this case to a finish but he should have the backing of every freedom loving citizen in this section.

The best way that Negroes can help is to refuse, like Rev. Wheeler did, to go to a "jim crow" car even when they are going into southern states. There is enough segregation in Missouri already without Negroes' aiding and abetting the railroads in bringing the "jim crow" coach into the Kansas City Union station. Enough protests to the railroad company, and to the Interstate Commerce Commission if need be, will stop this undemocratic and illegal custom.

C. C. Wheeler Is Assaulted By Conductor

Attacked Because He Refused To Be Jim Crowed

The Rev C. C. Wheeler, pastor of the Mount [illegible] church in Pittsburg, Kans., told The Call last Wednesday he was thrown bodily off the Kansas City "Southern" by a conductor after the minister refused to "go to the other end of the train" as ordered by the conductor.

The 37-year-old minister said he stopped over in Kansas City to visit relatives enroute to Pittsburg from St. Louis where he had attended the funeral of Rev. Jasper C. Caston, St. Louis alderman who was killed in an automobile accident.

REV. C. C. WHEELER

Rev. Wheeler said he went to the Union station here to board "Southern Belle' which was scheduled to leave at 4 p.m. He said he heard the conductor tell white passengers [illegible] to "go to the left". As Rev. Wheeler attempted to enter the same coach, the conductor barred his passage and told him to go to the other end of the train. The minister said the [illegible] coach nearer the front of the train.

Rev. Wheeler refused to explain why he had to go to the other end of the train when white passengers bound for the same destination were loaded on another car.

The minister said he refused to "go to the other end" and started up the steps of the coach where the conductor was standing. The conductor grabbed him by his coat and pulled his back down the stairs. Rev. Wheeler related.

"Then", the minister continued, "I started up the steps again. This time, the conductor grabbed me from behind by both my arms and threw me off the train with considerable force, slamming me against a steel upright at the station and injuring my back and right knee."

Rev. Wheeler said he regained his feet, returned to the lobby of the station and inquired as to the location of the office of the station physician.

The physician examined him, taped up his back and treated his injured knee. Rev. Wheeler said.

The doctor also attempted to locate the passenger agent of the Southern railroad company, Rev. Wheeler said, but told him that he was unable to do so.

The physician advised him to wait until he could contact the passenger agent, Rev. Wheeler said, so that he could "find out the attitude of the company."

"I told him that I already had found out about the attitude of the company when the conductor threw me off the train", the minister said.

The minister returned to his relatives' home and later contacted The Call and Carl R. Johnson, president of the Kansas City branch of the N.A.A.C.P. He took another train to Pittsburg late Wednesday night.

Johnson said he would investigate the incident to determine whether any of the minister's civil or legal rights had been violated.

The NAACP spokesman pointed out that the United States Supreme Court recently outlawed segregation on railroads of interstate passengers.

NEGROES SERVED
IN TRAIN COACH

Durham, N.C.-Jawn A. Sandifer, Carolina-born attorney, in the recent historical struggle before the U.S. Supreme Court to end segregation in dining cars on trains, might have received a preview of the future on a trip to his home here last week.
On the last leg of his journey from New York, somewhere South of Greensboro, Sandifer was shown a teo-table (diner) arrangement in the Negro coach. It is understood that this is a familar sight to travelers on some South Georgia lines.

Courier
Sat. 4-22-50
Pittsburgh, Pa.

Bus JC Case. Won in N.C.

Afro American
Sat. 1-29-50

Rider Who Scorned State Law Acquitted

By WILLIAM H. ROBERTSON

ASHEVILLE, N.C.—Mrs. G. E. Cheek of Raleigh, N.C., and her attorneys won the first case since the recent U.S. Supreme Court decision covering inter-State travelers in a North Carolina Court here, Wednesday morning.

Mrs. Cheek was acused of violating the State's segregation law. She was arrested at the Asheville Union bus station, July 4, and was charged with refusing to sit in the rear of the bus, as State law requires colored passengers to do.

In police court, the magistrate appeared to be completely unaware of the technical points of the case and the significance of the action.

Driver Tells His Story

The driver who had Mrs. Cheek arrested stated that he asked her if she would move to a seat in the rear and her answer to him was that she was quite comfortable where she was sitting.

He then told her, he testified, to catch the next bus in which there would be more room, since she refused to move after his explanation to her that the white people standing wanted seats.

Receiving no response from her, he said, he got on the bus and called the policeman on duty at the station and requested she be arrested. She was arrested and jailed for several hours.

Inter-State Angle Injected

Mrs. Cheek was defended by Henry C. Fisher, white attorney of Asheville, and Herman L. Taylor, attorney of Raleigh.

Questioned by Fisher, the driver was asked if he was instructed to place passengers in their seats. He replied that he wasn't.

"Did you inspect her ticket and note that she was an inter-State that heTtT..cc passenger?" the driver was asked

He replied in a tone of anger, "No, all I knew is that she had a ticket to Knoxville, Tenn., was a colored woman and was supposed to sit behind the white folks."

The solicitor objected at this point on the grounds that this was a police court and that Mrs. Cheek had been arrested on the criminal charge of violating the State's segregation law and the type of questions the defense attorneys were asking were for civil court.

The objection was overruled, however.

Arrested "for Protection"

The policeman that arrested Mrs. Cheek, stated that several white men on the bus made a scene and wanted to throw her off the bus.

Fisher asked him why he didn't arrest the white men making the scene and did arrest Mrs. Cheek who wasn't causing any trouble.

The policeman stated that he arrested her because she had refused to move to the rear of the bus and also to protect her from being harmed by the white men.

Hadn't Studied Ruling

Noteworthy during the trial was the admission by the magistrate and solicitor that the recent Supreme Court decision had no bearing on this case. The decision had to be read several times by the defense attorneys to enlighten the jurist.

The solicitor was at a complete loss and attempted to cite the ancient State segregation law in an effort to save the case. The trial had to be stopped several times in order for the court to proceed with the cases.

This was due to the court not being prepared for the type of defense thrown at them in what was supposed to have been an ordinary police court trial.

To File Civil Suit

On several occasions the defense attorneys and the solicitor were locked in a battle on legal points and interpretations cited from their law books. The solicitor admitted defeat and Magistrate Sam Cathey ordered Mrs. Cheek released.

Colored persons from various parts of the State attended the trial and the courtroom was filled to capacity.

Mrs. Cheek, the mother of four children is a school principal and the wife of the Rev. G. E. Cheek, publicity director at Shaw University. She is planning to file a civil suit against the Smoky Mountain Gus Company in the near future.

Civil Rights Groups Hail End of Dining-Car Segregation

By JOSEPH V. BAKER

The ending of segregation of dining-car passengers on interstate trains by the Interstate Commerce Commission is being hailed by organizations active in promoting civil rights as "the beginning of the end" of that practice in an appreciable portion of the South.

The ICC order, imposed upon the Southern Railway, grew out of a case set in motion by Elmer Henderson, a Negro employe of the discontinued President's Committee on Fair Employment Practices. The case, which evoked a Supreme Court decision virtually outlawing segregation in interstate commerce, pivoted upon the refusal of a dining-car steward to seat Henderson because the facilities "reserved for colored" were then occupied by white passengers.

ORDER SEEN FINAL

Subsequently, the Southern and other carriers operating south of Washington attempted to ameliorate the practice of drawing a curtain in front of Negro diners by erecting glass partitions at either end of the cars. The operating practice of then seating "Negroes and women unaccompanied by men with each other" was attempted pending a final order by the ICC.

The finality of the ICC's order is seen in the fact that it specifically prohibits such separation "effected on the basis of color." Supporters of the move pointed out that while the decision implementing the Supreme Court's ruling applies only to interstate commerce, its effect will be widespread because few trains of any preference are held to intrastate terminals.

EARLIER CASE RECALLED

The Henderson case, which is looked upon as having settled the dining-car problems incident to segregation, followed by a number of years a similar legal battle instituted by the then Congressman Arthur W. Mitchell, of Chicago, in an effort to outlaw racial segregation on Pullman cars.

Mitchell, who was removed from a Pullman berth in Texas, won a Supreme Court decision which, in essence, directed the ICC to order the practice ended. That order, however, according to legal figures, emphasized "sanctity of contract" rather than specific color prohibitions.

EDUCATIONAL EQUALITY

The Henderson order, which leaders hold could not have been drawn without emphasis upon the discriminations based upon color, is therefore pointed to as the more important. In addition, the ICC position is expected to strengthen the argument that "segregation is discrimination, per se."

That position has been reasserted by groups seeking to have Congress refuse Federal educational funds to any State which prohibits their full and unsegrated use. The National Association for the Advancement of Colored People, now seeking a new $100,000 fund for a drive against educational discrimination in the South, has announced that this will be its theme in hearings on proposed regulations.

The drive for educational equality, which has been twice before the Supreme Court in two years, has centered largely around the extension of graduate opportunities to Negro students in universities maintained by tax funds within State boundaries. The erstwhile practice has been to refuse Negro students entrance to other than Negro schools but to provide tuition for graduate study in such States as would accept Negroes.

GRADUATES ENROLLED

In two sweeping decisions involving cases in Oklahoma and Texas, the Supreme Court outlawed that practice. As a result, approximately 500 Negro students now are enrolled in Southern universities which had been looked upon as being for white students only.

The concessions now being made by Southern schools also are thought to have reduced the chances of Governors to establish regional schools, the objective of which has been cited as being a "friendly disposition" of the problem of integrating Negroes at the graduate level. The plan called for the organization of a large educational center in Atlanta for Negroes living in States whose laws preclude racial integration.

Some Lines Already Following ICC Policy

WASHINGTON—Acting under a mandate handed down by the United States Supreme Court last June, the Interstate Commerce Commission last Friday ordered the nation's railroads to cease segregating Negro and white travelers on interstate dining cars.

The ruling specified that a policy of non-segregation was to be followed by all railroads although it was directed specifically at the Southern Railroad. Southern replied that it had dropped racial designations on its dining cars.

Mr. Henderson

Several Dixie roads are still maintaining separate dining facilities through the use of semi-partitions, glass panels and various other devices. One of these lines, the Atlantic Coast Line, declared that it would wait until the order, which becomes effective on Dec. 15, is received and studied before deciding on a line of action.

RAISED ISSUE

The issue had been raised by Elmer W. Henderson of Washington, who accused the Southern Railroad of refusing him service in 1942. His plea to the ICC for damages was subsequently turned down.

At that time, the ICC approved an arrangement of the Southern Railroad which partitioned off sections of its diners for the use of Negro travelers. This plan later was ruled out by the Supreme Court which condemned discriminatory practices in interstate commerce.

The ICC's most recent order carried out the Supreme Court's ruling by directing the Southern not to refuse or deny dining car service "to any person because of race when a dining car with an unoccupied seat or seats is available."

SOUTHERN'S STATEMENTS

General Counsel and Vice President of the company, Sidney S. Alderman, issued a statement which declared, "Southern Railway has complied with the Supreme Court decision. Southern, on July 1, voluntarily ceased and desisted from the practices which the Supreme Court disapproved. Since that date, passengers asking dining car service are being seated at vacant seats in the diners in the order of their entrance, and no passenger seeking dining car service during the meal hour is refused such service when there is a vacant seat."

Meanwhile, the Louisville and Nashville Railway, which operates principally between Cincinnati and New Orleans and through most of the South revealed that it has eliminated curtains in its diners. A company spokesmen said that the curtains has been used to separate Negro and white diners to "conform with state laws."

EFFECTIVE DATE TO COMPLY IS DEC. 15

By ALBERT ANDERSON

WASHINGTON—(ANP)—The directive issued by the Interstate Commerce Commission here Friday, ordering the nation's railroads to discontinue segregation of Negro and white travelers on interstate dining cars, came as no surprise to colored travellers on most of the roads of the South.

As a matter of fact, the order "came a bit late." Negro travelers had noticed that during the period immediately preceding the ICC order and following the issuance of the U. S. Supreme court mandate last June (in the Henderson case), that most roads had withdrawn the curtains which gave colored passengers a thinly veiled separation from whites.

The ICC's directive, responding to Hall, Va., downstate recently, I the high tribunal's mandate, was saw a long and heavily laden Che- addressed specifically to the South- sepeake and Ohio through train ern railway. However, it sets a pat- passing by. When the first passen- cy that is to be followed on all ger car after the baggage car came lines. The effective date is Dec. 15.) into view, I looked up — expecting Contrary to arguments of die- to see the usual row of smiling hard white southerners who oppose black, brown and yellow faces. To the "equality" of dining facilities, my surprise, the faces I saw were no noticeable disturbances h a v e all white, except two. erupted since the high court hand- The next car passed, and it was ed down its mandate. Now a n d thoroughly mixed too. No one seem- then a self-conscious colored per- ed concerned or bothered. son, not used to this newly initiated Suddenly, I realized that I was democracy, may show bad table the only surprised person. J i m manners, etc., but that is merely row was being eliminated — by a matter of education and getting the simple process of doing it. accustomed to change.

Back to the diner. Southern

Another point, widely over looked promptly announced, dropped racial dis- is the fact that some southern lines it had "already" on its diners. are quietly dropping the jim crow crimination through L. and N. road, operating passenger car. For example, standing at Lee most of the south, also said it has eliminated curtains separating the

Charge Dixie Line Defies Race Ban

WASHINGTON—Despite an order issued earlier this month by the Interstate Commerce Commission to end racial segregation on its dining cars, the Southern Railroad was accused Friday of using a trick to still jim crow Negoes.

The charge was made by Elmer W. Henderson, of Washington, D. C., executive secretary of the American Council of Human Relations, whose six-year fight against discrimination on the Southern Railroad ended this year with a Supreme Court ruling outlawing the practice.

To substantiate his complaint, Henderson said he has a copy of the railroad's orders directing dining car stewards to practice Jim Crow when practicable.

According to Henderson, the instructions read:

"When entering singly, women will be seated with women, men with men, young people with young people, elderly persons with elderly persons, white persons with white persons and Negroes with Negroes."

He added the railroad's dodge-the-law policy is to have stewards "bear in mind (occupied space permitting) white passengers should be seated from the buffet or kitchen end of the dining car and Negroes from the opposite end."

Sidney S. Alderman, vice-president and general counsel for the railroad, said Southern has complied with the Court's and ICC's order.

He added the railroad halted segregation on its dining cars last July 1, and that since then passengers seeking service were being seated in vacant seats in the order of their entrance.

Unless the railroad complies with the Government's directive, Henderson said a new suit is in the making.

Last week the Interstate Commerce Commision issued an order for the Southern Railroad to comply with the Supreme Court decision.

Question Remains: Is Segregation Constitutional?

Diner Seating Based On Race Ratio Is Ruled Out

By International News Service

WASHINGTON—The Supreme Court Monday upheld an attack on segregation in railroad dining cars but declined to test the sweeping question against the constitution.

The court said that an incident in 1942 in which Elmer Henderson, Washington, D. C. was refused service aboard a Southern Railway diner, clearly violates the discrimination ban in the Interstate Commerce Act. Henderson is executive secretary of the American Council on Ruman Rights.

But the justices added that "we do not reach the constitutional or other issues," suggested by Henderson.

* * *

THE PETITIONER brought the case as a challenge of the 56-year-old Supreme Court doctrine that "separate but equal" facilities for the white and colored races does not constitute discrimination.

The court's decision reversed a lower court rebuff of Henderson and ordered the Interstate Commerce Commission to renew proceedings in the case in conformity with the tribunal's opinion.

Invoked by the court was the section of the Interstate Commerce law which makes it unlawful for a railroad in interstate commerce to "subject any particular person . . . to any undue or unreasonable prejudice or disadvantage in any respect whatsoever."

HENDERSON HAD BEEN refused service aboard the diner when the table ordinarily reserved for colored passengers was occupied by white patrons.

He lost his challenge of the incident when the railway revamped its dining car regulations so that places were reserved on the basis of volume of colored passengers.

The Supreme Court, however, quoted an earlier decision in which it said:

* * *

"THE COMPARATIVE volume of traffic cannot justify the denial of a right, specifically safeguarded by the provisions of the Interstate Commerce Act."

Justice Clark, who was Attorney General when the case was brought, took no part in the decision.

The Interstate Commerce Commission had ruled as nondiscriminatory the railway regulations providing:

* * *

1. THAT ONE TABLE at the left side of the aisle facing the buffet and seating four persons, shall be reserved exclusively for colored passengers, and the other tables exclusively for white passengers.

2. That before starting each meal, the curtain separating this one table from the other tables would be drawn.

3. That a "reserved" card would be kept on the Jim Crow table at all times during the meal except when it is occupied.

Southern Will Follow Order On Segregation

Verdicts May Boost States' Rights Power

BY UNITED PRESS

The Southern Railway said yesterday it would abide by any order handed down against Negro segregation on railroad dining cars as the South frothed with angry denouncements of the Supreme Court's far-reaching decisions.

Some defenders of "Southern traditions" blamed President Truman for the decisions that Negro students should be admitted to state universities in Texas and Oklahoma and Negroes permitted the same dining car accommodations as whites on railroads in interstate commerce.

The decisions may have important bearings on current political campaigns in Dixie and build the strength of the States' Rights Democratic Party in the South.

In Alabama, where the primaries were held last month, State Democratic Party Chairman Gessner McCorvey said the decisions "may wake up some of our Southern senators."

Aims At Senators

"The decisions may be helpful after all to our people, as they may give a sufficient jar to some of our Southern senators to wake them up and make them become realistic," McCorvey said, apparently hitting at Alabama Sens. Lister Hill and John Sparkman. Hill and Sparkman opposed McCorvey in the Loyalists-States' Rights fight last month.

"Their determination to force the people of Alabama and other Southern states to support a man of Harry Truman's stripe has caused some thoughtful Southern people to realize that these senators could not see further than the end of their noses," McCorvey added.

The Southern Railway, defendant in the dining car case, announced in Washington that it would comply with whatever order the Interstate Commerce Commission hands down.

Order Awaited

"But we must await the further order of the ICC before a final position," the railroad said. The Supreme Court's mandate in the case will not be sent to the lower court for 25 days. Then the ICC must act in an order to the railroads.

The court's action in the three cases was certain to give States' Rights advocates a talking point in their drive to unite the South, and it could possibly cost the administration a valuable supporter in Congress.

In North Carolina, Sen. Frank Graham, who led the first state primary on a pro-administration platform, will face Willis-Smith, a corporation lawyer, in a runoff if Smith calls for it. Smith may regard the court's rulings as the ammunition he needs for another effort to unseat the liberal Graham

In Georgia, Atty. Gen. Eugene Cook said the "ultimate effect" means an end to legal segregation in the South. He said that for Southern political candidates to ignore them would amount to "political stupidity."

Talmadge Defiant

Gov. Herman Talmadge, candidate for re-election to a full, four-year term in Georgia, declared flatly that Negroes and whites will not be taught together while he is governor.

This view was reflected by South Carolina's retiring Gov. J. Strom Thurmond, former States' Rights candidate for president, who said the decisions are "fruits" of the Truman administration's "campaign against the South."

In Norman, Okla., Roscoe Dunjee, Negro editor of The Black Dispatch, predicted that from 75 to 100 Negroes will enroll for Summer courses at the University of Oklahoma.

In Houston, Tex., a Negro mail carrier prepared to enroll in the all-white University of Texas law school. He is Herman Marion Sweatt, whose four-year suit for admittance resulted in one of the court decisions.

Evasive Diner Order Issued By Southern Ry.

BY C. W. GREENLEA

An order from the assistant vice president of the Southern Railway system to all of the company's stewards and conductors, last week was being examined as a possible new technique to evade the recent U. S. Supreme Court ruling eliminating discrimination on railroad dining cars.

The order, presumably handed down as a clarification of policy since the momentous high court decision in the Elmer W. Henderson case, set forth a seating arrangement to be followed by the company's employees. It suggested that white persons be seated wtih white persons, women with women, men with men, young people with young people, and then added an adaptation from trolley systems in the South that Negroes beseated from one end of the car to the middle and white passengers from the other end toward the middle.

It was signed by R. K. McClain, assistant vice president, and addressed to passenger conductors and dining car stewards, dated, Washington, D. C., June 29, to become effective July 1, 1950.

CURTAINS OUTLAWED

The Supreme Court Ruling, written by Mr. Justice Burton on June 5, 1950 outlawed the segregation curtains on dining cars and declared that "to shbject any person to hnreasonable prejudice or disadvantage in any respect whatsoever" is in violation of the Interstate Commerce Act.

The court said that the practice of alloting tables exclusively for white and for colored and which call for a partition between is illegal.

The railroad's latest order made no reference to a curtain, emphasizing seating arrangement.

Ful ltext of the railroad order follows:

SOUTHERN RAILWAY SYSTEM
OFFICE OF ASSISTANT VICE PRESIDENT

Washington, D. C
June 29, 1950

TRANSPORTATION DEPARTMENT CIRCULAR NO. 147

(Cancelling All Prior Instructions On This Subject)

SUBJECT: Seating Passengers in Dining Cars.

TO: PASSENGER CONDUCTORS AND DINING CAR STEWARDS.

(1) Passengers seeking dining car service shall be seated at vacant seats in the Diner in the order of their entrance into the Diner. Waiting passengers must not unduly block the aisles of the Dining Car.

(2) The steward shall seat Diners so as to promote efficient service with comfort and satisfaction to the Diners. For xample, when practicable parties of two, three or four, will be seated together. When entering singly, women will be seated with women, men with men, young people with young people, elderly persons with elderly persons, white persons with white persons, and Negroes with Negroes. In following the above illustrations, Stewards will bear in mind (occupied space permitting), white passengers should be seated from the Buffet or Kitchen end of the Dining car and Negroes from the opposite end. (From the ends tward the Middle.) No passenger seeking Dining car service during the meal hour shall be refused such service when there is a vacant seat in the Diner.

(3) It is the immediate duty of the Dining car steward to seat passengers in the Diner and, under the General Jurisdiction of the Passenger Conductor to maintain good order among the passengers and afford prompt service to them.

(4) THESE RULES BECOME EFFECTIVE JULY 1, 1950.

R. K. McCLAIN,
Assistant Vice-President.

Segregation In Diners Must Go, Says ICC

Curtains And Panels Are Ordered Down In Interstate Travel

WASHINGTON, Nov. 10—(AP)—The nation's railroads Friday got orders to drop segregation of white and Negro travelers on interstate dining cars.

The directive came from the Interstate Commerce Commission, which acted in response to a Supreme Court mandate of last June. It was addressed specifically to the Southern Railway, but under ICC practice it set up the policy to be followed on all rail lines.

Southern promptly announced that it has already dropped racial distinctions on its diners.

The Louisville and Nashville Railway, operating through most of the South, said it has eliminated separating curtains in its diners. Negro and white diners formerly were separated by curtains in the diner, a company spokesman said, to conform with state laws through the territory in which the railroad operates.

ACL To Wait

A number of other Southern railways still retain such distinctions. One of them, the Atlantic Coast Line, said it would wait until the ICC order is received and studied by its legal department before taking action. The order becomes effective Dec. 15.

means of glass panels, semi-partitions and the like.

Southern Railway operates in the territory between Cincinnati and Washington south to New Orleans.

Sidney S. Alderman, vice-president and general counsel for the company, issued this statement:

"Southern Railway already has complied with the Supreme Court decision.

"Southern, on July 1, 1950, valuntarily ceased and desisted from the practices which the Supreme Court disapproved.

"Since that date, passengers seeking dining car service are being seated at vacant seats in the diners in the order of their entrance, and no passenger seeking dining car service during the meal hour is refused such service when there is a vacant seat.

"I feel this is in full keeping with the order issued by ICC today."

The dining car case was first brought to ICC more than five years ago by Elmer W. Henderson, Washington Negro. He complained that he was unable to get a meal on the Southern during a 1942 trip from Washington to Birmingham, Ala., as field representative of President Roosevelt's Fair Employment Practices Committee.

Southern explained that it kept a table for Negroes at one end of its diners, but that due to wartime conditions all tables were occupied by white travelers when Henderson asked for a seat.

While the case was pending, Southern, in March, 1946, adopted new regulations which set up a partition at the end of the diners with the tables behind it reserved for Negroes alone.

The ICC approved this plan and refused to award damages to Henderson, who then challenged the arrangement in the courts.

The Supreme Court said in effect that the partitions had to come down as a violation of the Interstate Commerce Act forbidding undue prejudice or disadvantage among interstate travelers.

CHARGING DISCRIMINATION and assault, Muriel Rahn, concert singer and musical comedy star and her husband, Dick Campbell, are suing the Southern Railway for $17,000. The suit filed in Manhattan Supreme Court, alleges that the two enroute from North Carolina to New York were not only refused service on a dining car in August 1947 but were subjected to other Jim Crow treatment solely because of their race.

Discrimination Charged In Suit Against Carrier

NEW York, Aug. 31—(AP)—A Negro concert artist and her husband, charging that a dining car steward discriminated against them by refusing to serve them, sued the Southern Railway Company today for $17,000.

Muriel and Dick Campbell, whose address was not given, said in their petition the incident occurred Aug. 6, 1947, while they were enroute from Greensboro, N. C., to New York.

The suit was filed in New York State Supreme Court. The railway company enteral a general denial.

Minister, Forced To Ride Jim Crow, Sues Railway for $50,000

Asks Damages From Southern Railway Company

WASHINGTON, D. C.—(NNPA)—Damages of $50,000 are sought from the Southern Railway System because it compelled a colored minister to ride in a Jim Crow coach.

The Rev. Jerry A. Moore Jr., pastor of the Nineteenth Street Baptist church, one of the oldest and largest churches in the city, filed suit against the railroad in the District Court here last Friday, asking for damages of $10,000 under each of five counts contained in his complaint.

The Rev. Mr. Moore states that he purchased a ticket last June 6 for first class travel from Atlanta to Washington. He boarded a train at 7 p. m., on that date, he says, and was directed by the conductor to a Jim Crow coach. He refused to go to the Jim Crow coach and sat elsewhere in the train, he avers.

He again refused to go to the Jim Crow coach when ordered to do so by the train conductor, he states. When the train reached Gainesville, Ga., he alleges the conductor had men, who represented themselves to be policemen, board the train and forcibly eject him from the seat he was occupying.

The officers took him into the Jim Crow coach and he was compelled to ride from Gainesville to Washington in that car, he states.

Barrington D. Parker, attorney for the Rev. Mr. Moore, told the NNPA that his client did not have Pullman accommodations.

Under count one of the complaint, in which Mr. Moore alleges that he was forcibly ejected from the seat which he had a right to occupy, damages of $10,000 are asked.

Count two charges the railroad with refusing to honor its contract for first class accommodations, for which $10,000 in damages are also asked

Count three charges the Southern with violating the Interstate Commerce Act forbidding prejudicial treatment of any person by a carrier, for which like damages are sought.

Count four charges the Southern with invading the Rev. Mr. Moore's civil rights in violation of the 14th amendment to the Federal Constitution. Damages of $10,000 are asked under this count.

In count five the Rev. Mr. Moore alleges that he suffered humiliation, contempt, nervous shock, mental anguish and indignities, for which he also asks $10,000.

Find Southern Railway Practiced Segregation

WASHINGTON — (AP) — The Interstate Commerce Commission ruled today that the Southern Railway Co. violated the Interstate Commerce act by practicing race segregation in dining cars.

The commission acted under orders from the Supreme Court which set aside a commission decision upholding legality of the railway's race rules.

The action was part of a six-year suit in the courts and before the commission by Elmer W. Henderson, a Negro, who complained that the railroad refused to extend the same dining car service to him that it gives to whites.

The commission originally agreed with Henderson that he was subject "to undue and unreasonable prejudice." But it ruled there was no basis for any award of damages.

Henderson took the case to the courts and the Supreme Court finally ruled that the commission should set aside its decision and reopen the case.

In today's ruling, the commission ordered the Southern Railway Co., to cease enforcing its dining car regulations.

But the commission noted that no formal petition has been filed with it since the Supreme Court's decision. It therefore said that it could only reaffirm its finding that although Henderson was subject to undue prejudices, there was no basis for an award of damages to him.

Sidney S. Alderman, vice president and general counsel of the Southern Railway Co., said Southern, since last July, has "voluntarily ceased and desisted from the practices which the Supreme Court disapproved."

"Since that date," he said "passengers seeking dining car service are seated at vacant seats in the diner in the order of their entrance and no passenger seeking dining car service is refused service when there is a vacant seat."

I. C. C. GETS RELIGION

The Interstate Commerce Commission finally ordered the Southern Railway to stop segregating Negroes in dining cars that travel interstate or across state lines. Readers will remember that Elmer Henderson appealed to the Interstate Commerce Commission when the Southern Railway refused him service in the dining car in 1942, and it was from that appeal that the case went on through the Federal Courts to the Supreme Court of the United States and brought us the famous Henderson decision.

The I. C. C. had ruled that the fact that Henderson was not permitted to eat in the diner, though there were vacant seats, but since there was not a whole table vacant in the segregated section was just a part of the day's work. What they meant was that it was all right to deny Henderson the right to eat as a first-class passenger because he was colored, and because to have done so would have inconvenienced the rules of the Southern Railway. Last week's order of the I. C. C. merely implements the decision of last June by the Supreme Court in the Henderson case. But it also means that all the railroads which run in the South must stop segregating Negroes, so that they can't eat in the diners, as long as there is a seat available. It means that the curtains are no good. It means that segregated seats, specially reserved for Negroes, are no good. Wherever the travel is across state lines, from one state to another, Negroes are free to sit in vacant seats the same as whites under the now I. C. C. ruling, as well as the Supreme Court decision. Readers must keep in mind that where a train runs only in a state the rule does not apply, unless the passenger has bought a through ticket from one state to another, and boards the train that runs in the state as a part of the trip. Since railroads that run in the state only can never tell when they are going to get an interstate passenger, we suspect that the rule will pretty generally obtain throughout the South.

ern Tells ICC

any traveler on its lines. ore, Southern said, the long Therefore, S dispute over its diner service should be co The statement replied to a petition from Elmer W. Henderson, Negro traveler on dining cars. In a statement filed with the Interstate Commerce Commission, the railroad asserted, in effect, that it had no recent complaint ICC inquiry into Southern dining car practices.

Diner Dispute Closed, Southern

WASHINGTON, Nov. 22—(AP)—Southern Railway said Wednesday there were no grounds for a challenge of its present policies of serving white and Negro travelers

SOUTHERN RAILWAY SYSTEM

OFFICE OF ASSISTANT VICE PRESIDENT

WASHINGTON, D. C., JUNE 29, 1950.

TRANSPORTATION DEPARTMENT CIRCULAR NO. 147.
(CANCELLING ALL PRIOR INSTRUCTIONS ON THIS SUBJECT.)

SUBJECT: SEATING PASSENGERS IN DINING CARS.

TO: PASSENGER CONDUCTORS AND DINING CAR STEWARDS.

(1) PASSENGERS SEEKING DINING CAR SERVICE SHALL BE SEATED AT VACANT SEATS IN THE DINER IN THE ORDER OF THEIR ENTRANCE INTO THE DINER. WAITING PASSENGERS MUST NOT UNDULY BLOCK THE AISLES OF THE DINING CAR.

(2) THE STEWARD SHALL SEAT DINERS SO AS TO PROMOTE EFFICIENT SERVICE WITH COMFORT AND SATISFACTION TO THE DINERS. FOR EXAMPLE, WHEN PRACTICABLE PARTIES OF TWO, THREE OR FOUR, WILL BE SEATED TOGETHER. WHEN ENTERING SINGLY, WOMEN WILL BE SEATED WITH WOMEN, MEN WITH MEN, YOUNG PEOPLE WITH YOUNG PEOPLE, ELDERLY PERSONS WITH ELDERLY PERSONS, WHITE PERSONS WITH WHITE PERSONS, AND NEGROES WITH NEGROES. IN FOLLOWING THE ABOVE ILLUSTRATIONS, STEWARDS WILL BEAR IN MIND (OCCUPIED SPACE PERMITTING), WHITE PASSENGERS SHOULD BE SEATED FROM THE BUFFET OR KITCHEN END OF THE DINING CAR AND NEGROES FROM THE OPPOSITE END. (FROM THE ENDS TOWARD THE MIDDLE). NO PASSENGER SEEKING DINING CAR SERVICE DURING THE MEAL HOUR SHALL BE REFUSED SUCH SERVICE WHEN THERE IS A VACANT SEAT IN THE DINER.

(3) IT IS THE IMMEDIATE DUTY OF THE DINING CAR STEWARD TO SEAT PASSENGERS IN THE DINER AND UNDER THE GENERAL JURISDICTION OF THE PASSENGER CONDUCTOR TO MAINTAIN GOOD ORDER AMONG THE PASSENGERS AND AFFORD PROMPT SERVICE TO THEM.

(4) THESE RULES BECOME EFFECTIVE JULY 1, 1950.

R. K. McCLAIN,

ASSISTANT VICE PRESIDENT.

Subtle Jim Crow—This directive is the one issued by the Southern Railroad System ordering stewards on dining cars to seat Negroes at one end of their diners—away from whites who are to be seated from the opposite end. Just another form of jim crow.

To Keep Dining Car Bias

Dixie Railroads Defy High Court With Slick Trick

WASHINGTON—In an apparent effort to resist to the bitter end the Supreme Court's order ending segregation in dining cars on Southern railroads, several carriers in the South have adopted the subterfuge of seating Negroes and whites from opposite ends of their diners. It merely amounts to jim crow in new feathers.

The order followed the formal activation of the United States Supreme Court's ruling affecting interstate travel, on the basis of the decision handed down last June in the case of Elmer Henderson v. the Southern Railway System.

The Southern and several other systems, it was recently noted, are presently employing the mentioned form of segregation in diners.

DIRECTIVE TO STEWARDS

The Southern's directive was issued from the office of R. K. McClain, assistant vice president, in Washington, June 29. Affecting Negroes the directive reads in part:

"Stewards will bear in mind (occupied space permitting), white passengers should be seated from the buffet or kitchen end of the dining car and Negroes from the opposite end," (Both working toward the center of the car.) "No passenger seeking dining car service during the meal hour shall be refused service when there is a vacant seat in the diner."

In effect this latest action means simply that Southern carriers are eliminating the use of the hated "iron curtain" shutting off Negroes from whites in diners, but the principle of segregation remains in a less vicious form.

PROTEST ENTERED

A check out of Mobile by a Courier reporter revealed that the Louisville and Nashville Railroad is one of the carriers also employing this subterfuge.

The Louisville road's action came to the attention of the Mobile NAACP through the protest of a colored student traveling from Mobile to New Orleans. The branch NAACP, under the leadership of John LeFlore, has indicated its intention to fight even this form of racial segregation on the carriers, even into the lounge and cafe cars.

The Supreme Court's ruling in the Henderson case was handed down last June 5.

Railroad Sued for $50,000

WASHINGTON, (NNPA) — Damages of $50,000 are sought from the Southern Railway System because its representative and agents compelled a colored minister to ride in a jim-crow coach.

The Rev. Jerry A. Moore Jr., pastor of Nineteenth Street Baptist Church, one of the oldest and largest churches here, filed suit against the railroad in the District Court here last Friday.

He is asking damages of $10,000 under each of five counts contained in his complaint.

Had First-Class Ticket

The Rev. Mr. Moore states that he purchased a ticket last June 6 for first-class travel from Atlanta to Washington.

He boarded a train at 7 p.m., on that date, and was directed by the conductor to a jim-crow coach. He refused to go to the coach and sat elsewhere in the train.

He again refused to ride in a jim-crow coach when ordered to do so by the train conductor.

Forced to Ride JC

When the train reached Gainesville, Ga., he alleges, the conductor had men, who represented themselves to be policemen, board the train and forcibly eject him from the seat he was occupying.

The officers took him into the jim-crow coach and he was compelled to ride from Gainesville to Washington in that car.

Barrington D. Parker, attorney for the Rev. Mr. Moore, told the NNPA that his client did not have Pullman accommodations.

Separate Damages Asked

Under count one of the complain

in which Mr. Moore alleges that he was forcibly ejected from the seat which he had a right to occupy, damages of $10,000 are asked.

Count two charges the railroad with refusing to honor its contract for first-class accommodations, for which $10,000 in damages are also asked.

Civil Rights Invaded

Count four charges the Southern with invading the Rev. Mr. Moore's civil rights in violation of the Fourteenth Amendment to the Federal Constitution. Damages of $10,000 are asked under this count.

In count five, the Rev. Mr. Moore alleges that he suffered humiliation, embarrassment, ridicule, contempt, nervous shock, mental anguish and indignities, for which he also asks $10,000

Segregation Order Laid To Southern

WASHINGTON, Nov. 12—(U.P.). The Southern Railway was accused Sunday of "flagrant contempt" of Supreme Court and Government orders that it stop segregating Negroes in its dining cars, and was threatened with a new lawsuit.

The charge was made by Belford Lawson, lawyer for Elmer W. Henderson. Henderson is a Negro leader whose six-year court case against the railroad ended this year with a Supreme Court ruling against the line. The Justice Department said it is "interested" in the latest developments.

The Interstate Commerce Commission issued an order Friday for the railroad to comply with the high court decision. Sidney S. Alderman, Southern vice president and general counsel, said it already had.

Lawson disputed this. He said he has a copy of the Southern's order, addressed to conductors and dining car stewards which, he claimed, directs stewards to "bear in mind (occupied space permiting) white passengers should be seated from the buffet or kitchen end of the dining car and Negroes from the opposite end."

Lawson said that seating the two races from opposite ends of the car was "obviously" designed to provide effective segregation.

Henderson started his original suit when he allegedly was denied service in a dining car during World War II.

Southern Is Accused Anew Of Segregation

WASHINGTON, Nov. 12 (U.P.)—The Southern Railway was accused today of "flagrant contempt" of Supreme Court and government orders that it stop segregating Negroes in its dining cars, and was threatened with a new lawsuit.

The charge was made by Belford Lawson, lawyer for Elmer W. Henderson. Henderson is a Negro leader whose six-year court case against the railroad ended this year with a Supreme Court ruling against the line. The Justice Department said it is "interested" in the latest developments.

The Interstate Commerce Commission issued an order Friday for the railroad to comply with the high court decision. Sidney S. Alderman, Southern vice president and general counsel, said it already had.

He said it halted segregation on dining cars July 1 of this year, and that since then, passengers seeking service are being seated in vacant seats in the order of their entrance.

Issue Is Taken

Lawson disputed this. He said he has a copy of the Southern's order, addressed to conductors and dining car stewards which, he claimed, directs the stewards to seat parties of two, three or four together "when practicable." He said it then adds:

"When entering singly, women will be seated with women, men with men, young people with young people, elderly persons with elderly persons, white persons with white persons and Negroes with Negroes." He said it goes on to say that stewards should "bear in mind (occupied space permitting), white passengers should be seated from the buffet or kitchen end of the dining car and Negroes from the opposite end.

"No passengers seeking dining car service during the meal hour shall be refused such service when there is a vacant seat in the diner."

Alderman said he felt the regulations were in "full keeping with the ICC order. Lawson disagreed and said that if the railroad doesn't change them, Henderson will file suit with the ICC.

Action Assailed

"We think this is more vicious than before," Lawson said. "It is flagrant contempt of the Supreme Court. It is prejudicial to all groups. Young people or old people don't have to sit together if they don't want to. It is designed to get at Negroes."

He said that seating the two races from opposite ends of the car was "obviously" designed to provide effective segregation.

Justice Department sources said the department, which backed Henderson's case in the Supreme Court, is "interested in what happens." If new complaint is filed, they said, the department will "watch it closely if not participate."

Henderson started his original suit when he allegedly was denied service in a dining car during World War II.

Negro Charges Railroad Still Practices Bias

Tells I.C.C. New Diner Rules of the Southern Railway Make Racial Distinction

WASHINGTON, Nov. 17 (AP).—Elmer W. Henderson, a Washington Negro, charged today the Southern Railway is still discriminating against Negroes on its dining cars despite a court ban on racial segregation.

Mr. Hendreson asked the Interstate Commerce Commission for further hearings on the issue, which he had carried previously to the Supreme Court.

The court in June found that dining-car practices on interstate Southern trains, involving the partitioning of tables for Negroes, violated the interstate commerce act forbidding "any undue or unreasonable prejudice or disadvantage" among interstate passengers.

The I. C. C. followed up the court decision early this month by ordering Southern to discontinue segregation on diners. The railroad promptly announced that it had already removed the partitions and had insrtucted dining-car stewards to seat passengers in the order of their entrance to a diner and not to refuse service to any one when a vacant seat is available.

Mr. Henderson's new complaint noted this regulation, but said it was accompanied by instructions to the stewards on seating arrangements "to promote efficient sercise with comfort and satisfaction to the diners." Mr. Henderson said the instructions included a suggestion reading:

"When entering singly, women women will be seated with women, men with men, young people with young people, elderly persons with elderly persons, white persons with white persons, Negroes with Negroes.

"In following the above illustrations, steward will bear in mind, occupied space permitting, white passengers should be from the buffet or kitchen end of the dining car and Negroes from the opposite end—from the ends toward the middl. No passenger seeking dining-car service during the meal hour shall be refused such service when there is a vacant seat in the diner."

Mr. Hendenrson contended in his petition to the I. C. C. that these rules near "a distinction is still made and enforced in providing dining-ar service according to race of passengers, specifically 'white' and 'Negro' possengers."

Conduct And Public Opinion

BY PROF. SILAS P. WASHINGTON

It is not too pleasant to say, "I told you so," yet it is necessary to do so at times. On February 1, I wrote for the Memphis World: "I transferred from the Elmwood-Desoto bus to the west bound Jackson-Lamar Bus at Vance and Orleans. The bus was crowded. I milled my way through to standing passangers to the rear, and immediately found a seat! That has happened many times. We should know the feelings of the dominant group about that." On February 2, I saw in the Memphis Press-Semmitar concerning the proposed Chelsea Gardens Negro housing development, the following: "Mr. Worthington said he was objecting because of the large number of Negroes who would ride the Jackson bus line, which serves his community. He said, 'The Jackson line is one of the only lines left where a white man can ride without being crowded by a Negro.'"

Whether Mr. Worthington is justified or not is beside the point. What is important here is the attitude and that is, I believe, the result of the usual stereotypes of us. I repeat that, "In general the only fundamental and effective way to change a man's action, or his will to action, is to change the pictures in his head." This is, to my mind at least, a good generalization, and will be referred to again before we close.

In the same article I read also, "Mrs. Vic Erdelyan said she was not one to argue on racial denomination or racial segregation. We enjoy our freedom and separation and there are many of the Negro race who feel that they are happier and better off to themselves," she said, "It's mighty nice to be able to walk down our streets and not meet a Negro." Such is her attitude, and such is the attitude of many other white people. As a matter of record Gov. Browning spoke in a similar vein to her first two statements in his campaign for the Governship of Tennessee. Again whether or not they are justified is, from a practical point of view, inconsequential, but the fact that they have such an attitude is of tremendous importance.

Please try hard to understand this discussion; for it is very delicate and confusing. I am not upholding these people in their attitude toward us. Far be it from me to begin to attempt such a thng, yet I feel that I should try to understand the situation. My point is that, right or wrong, a man's thought on a matter determines his action or his will to action on that consideration.

To say that these people are just prejudiced is an over simplification of a very complicated situation. They may be prejudiced, but they are not always aware of it. Their attitudes are so deep rooted in them that they think that they are right and just. That is, indeed, hard for us to understand. However, we must realize that farsighted and nearsighted people cannot see all objects clearly at normal distances until their visions are corrected. Similarly, people troubled with astigmatism may mistake an 'R' for a 'P', or an 'E' for an 'F', until their visions are corrected. As we have such difficulties with our physical visions, so we have corresponding troubles with our mental visions. Until we correct our visions we may quite honestly see things differently from what they are.

Let us make a very simple study here. Suppose that a white man, walking to work, as I often do, sees some public brawling between colored men and women on Fridays and Saturdays. Try to put yourself in his place, and keep your mind on his stereotypes of us. Would you then be eager to have such people for your neighbors? Suppose that while you were waiting for your bus on Friday nights at Vance and heard and saw a colored woman cursing, most abusively, one of the men of the eternal triangle, at the top of her voice. White people certainly see such things and invariably look right at me. With shame I look another way.

Would you then want such people in your neighborhood? Again let us assume that you are riding a bus home and that several colored people, including a woman, stagger drunkenly to their seats. Suppose that you see a colored man publicly strike down a woman at a railroad station on a Friday night. Also, suppose that you are waiting for a bus at Main and Calhoun on a Saturday night, and you see a colored ambulance fly by with a brutally injured colored man or woman in it. Suppose that you see an officer locking a group of colored men and women into a patrol wagon on a Saturday night, and suppose that you hear one officer say to another, "Oh, well this is Saturday night."

With this man's stereotypes in mind would you want such people in your community? Please be fair and honest. It should now seem plausible that something else besides pure race prejudice is behind his desire to keep us out of his neighborhood.

In this study we must keep in mind the fact that this man, rarely if ever, comes in contact with a Mr. Kirk, or a Dr. Walker, or a Dr. Price, or a Professor Hunt. These kind do not fit his stereotype and they do not do the things that they claim to this man's attention. We must be continually aware of the fact that the undisciplined ones of our group are the ones which attract his attention, and they are the ones that perpetuate the stereotype.

These mentioned acts of bad conduct, and over twice as many again have been seen by me in many neighborhoods of Memphis. As a rule white people have also witnessed these same things. My co-worker from New Orleans, who was with me that Saturday night at Main and Calhoun, said that such is the situation in New Orleans and in most other southern cities. It is certainly true of Atlanta; for Walter White writes, of "the usual Saturday night cuttings and shootings" there in, his book, A MAN CALLED WHITE. And another thing that is important is the fact that these sorid acts of conduct are often committed before the public. Unless this man under consderation is extremely careful, he will be a man with incorrect mental vision, and he will honestly, as far as he is concerned, see us differently from what the group is actually like as a whole. Let us be fair and generous. It is obvious that such a man will have distorted and unflattering pictures of us in his head, and consequently unfavorable attitudes toward us.

Let us now go back and review our principle. In general, the only fundamental and objective way to change a man's action, or will of action, is to change the pictures in his mind. The housing projects such as the Foote Homes, the LeMoyne Gardens, the Dixie Homes, etc. are helping to change the picture. Many more are needed. Greater economic opportunities will help. Education will help. More interracial co-operation will help. These as well as other things will help, but the thing which will help most is widely dispersed good conduct resulting from good moral and religious training. That is a long process for sure, but it is, I am convinced, an indispensable one for favorable public opinion. Keep this in mind: It is hard to expect respect from another when your own actions indicate that you do not respect yourself.

Mrs. Thomas Blue and Thomas Jr. Taken Off Greyhound Bus

Verdict of Acting-Judge Appealed; NAACP Attorney Charges Local Officials Ignored Law Laid Down by U. S. Supreme Court for Interstate Travel; Lawsuit Over Humiliation Caused Pair To Be Outcome of Affair

Mrs. Thomas Blue and Thomas Jr. Nashville which all along has, by the alertness and good judgement of its officials avoided racial conflicts over alleged infractions of its "jim crow" ordinances governing travel on common carriers, became involved in a big one on Tuesday and Wednesday of last week. Litigation over an affair at the bus station began in the city court on Thursday, and it seemed certain it was the beginning of a court battle that will attract wide attention, and probably wind up in the highest courts.

On Tuesday, according to report, local police ejected Mrs. Cornelia Johnson Blue and her son citizens of Louisville, from a Greyhound bus on the claim that they were occupying seats on the bus which colored people could not lawfully have. These were seats 4 and 5, and according to report, Mrs. Blue had been given the seat when she went to the bus station to get accommodations. She and her son had come to Nashville from Louisville on a roundtrip ticket, it was reported.

Both had gotten their seats on the bus, and presumably were ordered to take different seats in the rear of the bus but refused to do so. The report is, the bus driver got in touch with local police and two of them came to investigate the trouble. The bus driver "read to them the law" or what was claimed to be the law. The police officers allegedly arrested Mrs. Johnson and her son and took them to jail.

Before going to jail, Mrs. Johnson is reported to have spoken to a Nashvillian asking him to get in touch with the local branch of the NAACP and tell them of her plight. This was done. Mr. M. W. Day, an NAACP official was informed of the matter and went to police station to make inquiry but by time he had gotten there, it appears, Mrs. Blue had telephoned to Dr. Charles S. Johnson, president of Fisk University, with whom she had gone to school in Virginia. President Johnson, it is reported, asked Attorney Z. Alexander Looby to take charge of the matter. Attorney Looby went to the police station, put up a cash bond of $100 each for Mrs. Blue and her son and they were released Wednesday afternoon.

The two Louisvillians had their day in court on Wednesday. They were tried in City Court, with Attorney Homer B. Weimer presiding, in the absence of Judge Andrew Doyle, who was away on vacation.

At the trial the driver of the Greyhound bus did not put in his appearance. Officials for the bus company stated he was on duty out of the city. It was stated for the bus driver that he had merely read the "law" to the arresting police officers and that they decided Mrs. Johnson and her son were due to be arrested for refusing to take a back seat in the bus.

After hearing the evidence, Acting Judge Weimer assessed a fine of $25.00 each against the two Kentuckians. The acting judge did not pass on whether or not the Kentuckians had disobeyed any state law. The understanding is that he was assessing the fines because no proof was introduced to show that Mrs. Blue and her son were on a bus engaged in "interstate travel."

Attorney Looby had contended that Mrs. Johnson and her son could not be arrested for occupying the "up front" but seats because of the Supreme Court ruling in the "Morgan Case." Apparently Attorney Weimer conceded the Morgan case could be successfully cited in Mrs.

Blue's trial but he felt it had to be proved that the bus from which the Kentuckians were ejected actually was an interstate vehicle. This despite the fact that Nashville is in Tennessee, Louisville is in Kentucky and the Louisvillian had purchased a ticket in Louisville that would take them to Nashville Tennessee and bring them back to Louisville, Kentucky. It was one of those decisions that mystify laymen, and teaches them they better always get a good lawyer before trying to transact any business at the courthouse.

Attorney Looby promptly appealed the decision against his clients to the Circuit Court. Mrs. Johnson, as well as her attorney and the local branch of the NAACP stated that they will carry the case on up as high as will be necessary to secure justice.

It is understood that the case will be heard in Circuit Court some time in June.

The lawyers do not say what the issue in the circuit court trial will "revolve around." But to laymen, it seems there will be arguments pro and con over whether the bus company or the City of Nashville is responsible for Mrs. Blue and her son being arrested. There also may be arguments pro and con, it is believed, over whether Acting Judge Weimer should have investigated to find out whether the Greyhound bus from which the mother and her son were ejected was an interstate vehicle. It is possible, if not probable for proof to be introduced, showing that the bus involved in the lawsuit was not in the habit of going outside of Nashville.

Mrs. Blue a native of Columbia, Tenn., is the widow of the late Mr. Thomas Blue prominent Louisvillian who for a number of years was the librarian at the branch located at Tenth and Chestnut Streets, and who served as secretary of the Y. M. C. A., board. She is also the sister of Prof. Lyman Johnson of Louisville, the principal figure in the famous lawsuit that got colored students admitted to the University of Kentucky. Her son, Thomas Blue, Jr., is a student in Louisville University.

Mrs. Blue's father and the grandfather of Thomas, Jr., was the well known Prof. R. J. Johnson who for more than forty years was the principal of the Columbia High School It was because of his illness, and later his death, that Mrs. Blue and her son had come from Louisville of Tennessee. They visited him in Hubbard Hospital, attended his funeral in Columbia and were on their way back to Louisville when they became involved in the affair at the local bus station on April 25.

Bus Ejection Rule Goes To High Court

Passengers Claim Seat Plan Violated Morgan Decision

(Special To Journal And Guide)

NASHVILLE, Tenn.—Mrs. Cornelia Blue and her son Thomas E. Blue, of Louisville, Ky., enroute home to Louisville after attending funeral rites for their father and grandfather, Professor Robert Graves Johnson, Sr., in Columbia, Tenn., were removed from a Louisville-bound Greyhound bus here in Nashville, Tuesday afternoon after they refused to move to the rear of the bus.

Mrs. Blue and her son were fined $25 each in Nashville city court on a charge of violating a city ordinance that states that Negro riders must sit in the rear of public carriers.

According to a relative of the Blue's, Mrs. Blue and Mr. Blue already had return tickets on the bus, but were presented another set here at the bus station. An attorney retained by the couple, Z. Alexander Looby, sought a dismissal of the charge on the grounds that the U. S Supreme Court ruled on June 1940, that Negroes could not be discriminated against on interstate carriers. Mr. Looby is appealing the case to the Circuit Court and the Blues will return in July for the appeal.

Mr. Blue and his mother were in Nashville visiting relatives, a Mrs. Haskins and a Miss Beatrice Irvine of 928 Phillips street. Following the embarassing and nerve-wracking incident, the couple returned to Louisville by train.

Memphis Judge Tosses Bias Aside To Mete Out Justice, Then Flops

MEMPHIS — A woman judge narrowly missed taking her place among other liberal southern jurists when she freed a Negro youth charged with sitting next to a white woman on a bus here recently.

The youth had been beaten into unconsciousness by two white policeman and then confined in jail until his trial. The white woman involved was never found.

Before Judge Kelley began her inquiry into the case, she closed her eyes and slowly rubbed her head and said:

"The only way to judge this case fairly is to rub out the color. I hold with pride both colors. Everyone in this court room should close their eyes and rub out the color. Then we wont be seeing the thousands of people's attitudes over the ages. We'll be seeing the case on its merits."

Officers S. T. Deshazo and George Broadway testified they saw the 16-year-old youth, Willie Ware, sitting next to a white woman on the bus the two were passing in their squad car. When they overtook the bus at the next corner, the white woman got off.

"We arrested the boy and got him in the car and then remembered we needed the white womans name as a witness. As we looked fo her, the boy made a break for the door. He and I scuffled," said Deshazo, "and hit the concrete. We had some trouble getting him back in the car."

Judge Kelley told the boy and the policemen she believed both were wrong.

"I think you lost your temper," she told the officers, "and I think the boy was an upstart.

"I want a private conference with you two officers. I want to try to get over a point to you that Negroes and whites are fighting a war together for our country right now. And I want to ask you as a courtesy to yourself—to this boy—to this boy's mother, not to resort to cruelty.

"If the boy is arrogant, bring him to court and let the judge decide the punishment."

Judge Kelley lectured to the policemen for more than an hour on human relations. Her monologue held those in her court room spellbound. She had both white and Negro spectators in tears.

Since such actions in the southland are rare and requires courage made those present know that in their midst was another Justice Hugo L. Black.

Judge Frees Youth

Ware, who was not required to testify, was called before the judge. After a short motherly speech from the judge, he was told he was free.

As he was about to leave, Judge Kelley discarded her robe of a true American judge and donned the garb that has made southern justice infamous throughout the world.

Before he was allowed to leave, she made the freed youth apologize for sitting next to a white woman.

All eyes that a moment earlier had been filled with tears of emotion suddenly became dry again. They were disappointed eyes now. Disappointed because the star they had been watching as it came over the horizon had suddenly lost most of its brilliance.

Judge Kelley had stumbled and fallen as she was about to enter the hall of fame. It is believed and hoped by those who know the judge that she has sufficient stature to recover her balance.

Woman Defies Jim Crow, Jailed

NASHVILLE — Miss June V. Woodard, 25, was arrested Saturday on charges of violation of the jim crow law and disorderly and offensive conduct. Officers said she refused to move to the rear of the bus when the driver asked her to do so.

38b 1950

Jesse O. Thomas (Texas)

Pullman Denies Practice Of Jim Crow On Thomas

WASHINGTON, D. C.—(NNPA)—The Pullman Company last Friday denied that it had practiced racial segregation against Jesse O. Thomas, an American Red Cross official, in refusing to permit him to occupy a drawing room for which he held a ticket.

Mr. Thomas is suing the Pullman Company for damages of $10,000. He alleges that he was compelled to spend the night in a "drafty coach," contracted a cold and had to undergo medical treatment as the result of the refusal of the conductor to sell him other space in the sleeping car. He also charges that the Pullman Company admits that Mr. Thomas boarded one of its cars at Hempstead, Texas, at 1:05 a. m., January 27, 1948. The car was a part of a train operated by the Texas and New Orleans Railroad Company.

Mr. Thomas presented a ticket showing a reservation for Drawing Room A from Houston to Austin, Texas, on the train which left Houston at 11:15 p. m., January 26, 1948. The company says the car was the only sleeping car attached to that train.

CLAIMS NO NOTIFICATION

The Pullman Company says it was not notified that Mr. Thomas would board the car at Hempstead but was notified by the American Red Cross in Washington that he would board the car and occupy space at Houston.

Sometime after leaving Houston and before reaching Hempstead, the company states, an occupant of an upper berth requested the conductor to permit him to occupy the vacant drawing room. The conductor sold him the drawing room to Austin, where the train was due to arrive at 5:30 a. m., January 27, the company states. This passenger immediately occupied the drawing room and had retired for the night before the train reached Hempstead, it is alleged.

The conductor informed Mr Thomas of the sale of the drawing room, it is stated, and offered him an upper berth which was the only sleeping accommodation available. Mr. Thomas refused the upper berth and voluntarily left the car, the Pullman Company asserts.

Mr. Thomas says that for business reasons he found it not advisable to board the train at Houston but elected to board it at Hempstead, which was closer to his last engagement.

Bus Driver Wields Gun On Passenger Who Asks About A Long Delay

Dat. 8-10-50

HOUSTON — A Houston Transit company bus driver was charged before Justice of the Peace W. C. Raven Friday with aggravated assault upon one of his passengers.

Aaron Figgs, 30, of 2602 Rosewood street the passenger told officers he was riding a Dowling bus about 7:55 p.m. and that the driver, James Busbee, 26, of 7203 Hempstead Road had parked the bus for so long a time that Figgs asked him how much longer it would be before the bus would be on its way. Figgs said that the driver told him that he was going to let the bus stand there until somebody in the back came back up front and picked up "that transfer from the floor and give it to me."

The driver left the bus and went over and talked to another bus driver who had driven up in the meantime, Figgs stated. Figgs told officers that when the driver got back on the bus, he took his pistol out of his bag and walked back to where Figgs was reading a magazine, and began to beat him about the head with it. Figgs said that he did not see the driver when he got back on the bus as he was so engrossed in what he was reading. He said that he did not know what had happened when the driver attacked him. He went to the Houston Negro Hospital in a taxi and was treated for head and left e lacerations by Dr. O. E. Floyd.

Homicide officers said that Busbee came to the station and gave himself up and that Figgs was interviewed at the hospital. Officers say that they did not recover a pistol. Figgs said that the gun looked like a .45 caliber revolver

Alexandrian Offers Bill

Ban on Travel Segregation Proposed for Old Dominion

By Richard Morris
Post Reporter

Richmond, Va., Feb. 6.—Delegate Armistead L. Boothe, of Alexandria, today introduced bills in the General Assembly to abolish racial segregation on public transportation and to establish a State race relations commission.

Challenging his colleagues to assume a "more positive and less negative" attitude on States' rights, Boothe explained his proposals in a speech before the House of Delegates.

Civil rights legislation, he said, is an affair of the States and not of the Federal Government.

"Let us show that more faith can be placed in the rock of the Legislature in Richmond than in the shifting sands of Washington," Boothe declared.

The bill to establish a race relations commission "will show determination of our Legislature to take hand in the gradual elimination of such legal inequalities as the constitution of Virginia directs us to eliminate," he said.

The bill to repeal laws requiring segregation on common carriers "is not an entering wedge," he added. "It can be a final act, if you so desire it."

For the white race, its effects would be "infinitesimally small"; for Negroes, "infinitely great," he said.

Boothe was joined in proposing the measures by several younger members of the House, including E. Griffith Dodson, jr., 35, and Julian H. Rutherford, 37, of Roanoke; George M. Cochran, 37, of Staunton, all serving their second term, and John H. Daniel, of Charlotte, a memer since 1944.

Boothe, member of a prominent Alexandria family, is serving his second term. He predicted to a reporter that both bills "have a good chance in the House" if they emerge from committee successfully.

He explained each measure in considerable detail before the lower chamber.

School Buses Exempt

Repeal of segregation laws on public transportation would not deprive local governments of power to continue segregation by ordinance, he said, nor would it alter laws or police powers on disorderly conduct. School buses and private carriers would not be involved.

"It is our belief that its passage will lift a burden of humiliation from the shoulders of one fifth of our citizens," he said.

He said that most members of the House, being "States' rights men," feel that the Federal executive and legislative branches "have wrongfully injected themselves into many fields of life rightfully the domain of State action."

Says Negroes Slighted

But in the last 50 years, except for Senator Harry F. Byrd's "magnificent anti-lynch law in 1928" (when he was Governor), the General Assembly "has not enacted a single bill conferring upon the Negro any one of many attributes of Virginia citizenship which we possess and which he does not possess," he added.

The race relations commission would be a nine-member body appointed by the Governor. One would be from the House of Delegates, two from the Senate and the remainder at large from the State.

It would "consider economic, educational and other problems affecting our relations in the Commonwealth."

The commission would have authority to obtain factual information from State agencies, receive $10 per diem for expenses while meeting and report by September 1 of each year preceding the biennial session of the General Assembly. A first year appropriation of $1000 is proposed.

Issue Before Assembly

Darden Favors End of Ban On Mixed Travel in Virginia

Richmond, Va., Feb. 22.—Colgate W. Darden, jr., former governor of Virginia and now president of the University of Virginia testified before a House committee today in favor of the Boothe anti segregation bill.

The measure would abolish State laws requiring separation of races on public transportation.

Darden based his support on his experience with war-time fuel rationing as governor.

"I found that segregation on buses wasn't enforced during rationing," Darden told the House Committee on Courts of Justice. "And I think the friction (caused by the segregation law) was dangerous, difficult and unnecessary."

Darden said he opposed a second bill introduced by Delegate Armistead L. Boothe, of Alexandria, to establish a State commission on race relations to study educational aand social problems between races.

"Setting it up will open the door for ceaseless agitation, with many troublesome and trivial things brought before it that would be to the advantage of neither the Negro nor white race," said Darden, who was subpenaed by the committee at Boothe's request.

The first word of opposition to the Boothe bills—a dozen witnesses at a public hearing last week supported them—came today from H. Wm. Goodwyn, a Richmond lawyer.

He said the only reason no one had appeared in opposition to the antisegregation bill was that "they are taking it for granted you are not going to seriously consider the bill."

Goodwyn called supporters of the Boothe bills "a great array of honorable and pious people who have no more love for the colored people than you or I."

Friends of the colored people, he added, "would let this matter stand as it is."

Boothe summed up the case for his proposals by saying that "the great majority of us in the General Assembly have said this was not a matter for Federal action."

"But the State of Virginia has not met manfully, except for the Byrd anti-lynching bill, any question of segregation in 50 years."

Plan Race Commission

Anti-Segregation Bill in Virginia Has Five Backers

RICHMOND, Va.—A bill to repeal all laws requiring segregation in public transportation and designed "to lift a burden of humiliation from the shoulders of one-fifth of our citizens" has been introduced in the Virginia General Assembly, along with a measure to create a commission on race relations. Both bills have several sponsors.

Before the General Assembly convened last month, Delegate Armistead L. Boothe, of Arlington, said he would offer both bills.

Surprisingly, he was joined by four other legislators in sponsoring the anti-segregation bill and by five others in offering the other proposed law.

Boothe said the segregation laws "render Negro citizens subject to prosecution under our criminal laws for violating state segregation requirements on certain kinds of public transportation."

All the sponsors of the measures are whites. There are no Negro members of the General Assembly and no member of that race has been a member since the reconstruction period of the nineteenth century.

Sponsors of the commission bill are Boothe and Delegates Lewis A. McMurran Jr., of Newport News; E. Griffith Dodson Jr., of Roanoke; George M. Cochran, of Staunton; Julian H. Rutherford Jr., of Roanoke, and John H. Daniel, of Charlotte Courthouse.

The bill to abolish segregation on common carriers was sponsored by Delegates Boothe, Dodson, Cochran, Rutherford and Daniel.

Passage of the commission bill, said Boothe, "will show the determination of our legislature to take a hand in the gradual elimination of such legal inequalities as the Constitution of Virginia directs us to eliminate."

(Segregation in the public schools is made mandatory by the constitution. Earlier, Boothe had proposed that Virginia end all segregation, except in schools, on the ground that the United States Supreme Court may invalidate segregation in the school system.)

The commission would be made up of nine members, all appointed by the Governor, with at least one member from the State Senate and not less than two from the House of Delegates, lower branch of the General Assembly. The commission would "consider economic, educational and other problems affecting race relations in the Commonwealth." Its members would not be paid.

300 Sign To End Travel Segregation

NORFOLK—Approximately 300 voters representing various Norfolk churches have signed a petition voicing their support of bills repealing Virginia laws requiring segregation on the common carriers. The petition was circulated by the Virginia State CIO in keeping with their policy of furthering all legislative efforts to ban segregation and discrimination.

Various ministers cooperated in getting their membership to voice their support of the measure would end segregation in travel. The local petitions have been sent to the Rev. Charles C. Webber, stae president of the CIO who has sent them to the State Legislature now in session.

Petition Filed In Richmond

RICHMOND, Va. — (NNPA) — For the first time, the State Corporation Commission was asked last Wednesday to order a bus company to stop discriminating against colored passengers.

In a petition filed with the SCC, Martin A. Martin, an attorney seeks to have that body restrain the Carolina Coach Company of Virginia from discriminating against Everett Raney, of Suffolk, in transporting him to the Virginia Division of Virginia State College.

Mr. Martin, a member of the Richmond law firm of Hill, Martin and Robinson, is one of the leading lawyers in attacking inequalities in the colored schools of the state in federal courts.

The commission set July 11 for a hearing on the complaint against the bus company.

REFUSES SEAT

The petition alleges that Raney boarded a bus at Suffolk, Virginia, last April 11 and sat in the last vacant seat. The bus driver, the petition asserts, ordered Raney to get up so that white persons could sit down. Raney refused.

The driver then ordered all passengers off the bus, the petition alleges, adding that he then drove the empty bus around the block and on its return permitted all passengers except Raney to board it once more.

The petition also alleges that on April 18 Raney was refused a ride by the same driver "although there were numerous vacant seats."

By the two actions, Mr. Martin contends, the bus company unlawfully discriminated against Raney "solely because of his race and color, and threatens to and will continue such discrimination in the future unless enjoined by the commission from so doing."

Va. Bus Co. Denies Discriminations; Calls Protestor a Troublemaker

By CARTER JEWEL

RICHMOND, Va. — (ANP)— Describing a plaintiff as an intentional troublemaker," the Carolina Coach Company of Virginia denied charges of discrimination before the State Corporation commission here last week. The "troublemaker" reference applied to a Negro college student who made charges of discrimination in a suit filed against the company.

According to the company's statement to the commission, Everett Raney, a Suffolk resident insisted on occupying a seat next to a white woman on the company's Suffolk to Norfolk bus which was a violation of Virginia law.

The bus driver is alleged to have asked Raney to move, but he refused, the company's statement said.

The statement cited Virginia law to prove that a bus driver has special powers in this state and can require any passenger to change his seat "as may be necessary or proper." In recent years Virginia officials have emphasized the police power prerogatives which bus drivers and conductors have under Virginia law to fight U. S. Supreme court decisions outlawing segregation on interstate carriers.

This law giving bus drivers police powers, the statement says, stipulates that "no continuous seats on the same bench shall be occupied by white and colored passengers at the same time."

The statement, which is also an answer to the racial discrimination suit filed with the State Corporation commission, says further:

"Petitioner, in reality, complains, not of a violation of law but of the bus driver's compliance with the law."

Raney asked the State Corporation commission on May 10 to enjoin the bus company from discriminating against him because of his race in transporting him from Suffolk to the Norfolk Division of Virginia State college.

Martin A. Martin, Richmond attorney, filed Raney's petition, which alleges that Raney boarded the bus and took the last vacant seat. The bus driver, it says, told him to move "so that persons of the white race could sit." Raney refused.

The driver then ordered all passengers off the bus, drove around the block, and reloaded, but refused to let Raney get back on the bus.

Attack on Intra-State Bus Segregation Practice Made

Richmond, Va., July 11.—The State Corporation Commission today was asked by a young Negro college student to take action against the Carolina Coach Co. on the ground that he was discriminated against as a passenger because of his race.

In a new and apparently indirect method of attack on the State's intra-State transportation segregation laws, Everett Rainey, 23, a student at the Norfolk Division of Virginia State College, testified that in April he was illegally denied permission to ride a bus as a commuter between his home in Suffolk and the city of Norfolk.

Rainey claimed he was discriminated against because of his race and his attorney asked the SCC, sitting as a court of record, to issue a mandamus to compel the bus company to perform duties imposed upon it as a public carrier under the commission's jurisdiction.

Rainey testified that on April 11 he was denied transportation between Suffolk and Norfolk after he refused to vacate a seat in the white section near the front of a bus. He contended that the seat he took was the last available one in the bus and stated that the driver ordered him to get up to permit a white person to sit.

When he refused, Rainey said, the driver cleared the bus of all passengers, drove it around the block, and reloaded it without allowing him to get back on the vehicle. He alleged that when he attempted to reboard the bus a policeman was called and he was ejected.

In its reply to Rainey's charges, the bus company's version of the two incidents was considerably different. The company contended Rainey was an intrastate passenger and consequently was governed by the laws of Virginia requiring segregation of white and colored passengers and also was subject to the rules and regulations of the carrier.

Martin Appeals Bus Passenger Bias Ruling

Commission Asked To Compel Company To Perform Duties

RICHMOND, Va.— (NNPA)— Martin A. Martin, an attorney whose specialty is civil rights cases, said last Tuesday that he will appeal to the Virginia Supreme Court of Appeals if the State Corporation Commission rules against him in a racial discrimination case involving a bus passenger.

The commission last Tuesday postponed final argument until next fall and asked attorneys on opposing sides to file briefs.

The test case was brought by Everett Raney, 23 a student at the Norfolk Division of Virginia State College, who charges the Carolina Coach Company with discriminating against him as a passenger solely because he is colored. In a new approach to the issue of travel discrimination, Raney asked the commission to compel the bus company to perform duties imposed on it as public carrier under the commission's jurisdiction.

DENIED TRANSPORTATION

Raney testified that on April 11 he was denied transportation between Norfolk and Suffolk after he refused to vacate a seat in the front section of the bus.

When he refused to move, Raney said, the driver had all passengers to get off the bus, drove the block, and reloaded but refused to allow him to get back on. He said when he attempted to reboard the bus a policeman was called and he was prevented from doing so.

He testified that the seat he took was the only one not taken on the bus, and the driver ordered him to vacate it so as to permit a white person to sit down, without finding him another seat.

Martin asked for a summary judgement on these facts. He contended that the bus company was obligated to give Raney the same consideration it gave to any other passenger and that Raney was entitled to the last available seat, no matter where it was located. The commission took Martin's motion for a summary judgement under advisement.

In a second count, Raney also charged that on April 18 he was denied transportation on the same bus by the same driver. He exhibited photographs which he said he took to show that there were empty seats.

Under cross examination by John J. Wicker, Jr., counsel for the bus company, Raney admitted that on April 18 he did not desire transportation but merely boarded the bus to take the phonographs.

Two Fined For Jimcro Statute Violation In Va.

RICHMOND, Va. (NNPA)— Police Court Judge Carleton E. Jewett last Thursday fined two colored persons $5 each for failing to move to rear seats when requested to do so by a Virginia Transit Company bus driver.

The two men, Walter Lee Epps, 27, and Charles E. Baker, 34, both noted appeals to Hustings Court.

The men were charged with violating the Jim Crow section of the Virginia Code dealing with racial segregation. Specifically, they were charged with failing to "take and occupy the seat or space assigned by the driver of the said bus, and did ulawfully fail to obey the directions of said driver, pursuant to lawful custom in force by said company (VTC) as to assignment of seats or space to white and colored passengers, the said (defendants) having first been advised of such custom and requested to conform thereto."

Kenneth W. Brownley, driver of the bus, said the two men boarded his bus on July 27 and were sitting toward the front when white passengers got on. Several white passengers were standing in the rear of the bus. The two men, it was alleged, twice refused to move to the rear of the bus.

Bombing Is Second In 9 Days

Three Narrowly Escape Death in Birmingham As Home Is Splintered

BIRMINGHAM, Ala.—This city's eighth bombing in three years and the second in nine days left the two-story home of Rev. B. W. Henderson, 1100 North Center Street, in splinters Saturday night. Scene of the bombing is the strife-plagued Smithfield area.

No arrests have been made in connection with any of the bombings.

About 8:50 P. M. Saturday, April 22, an explosion went off which shook Birmingham and shattered the Henderson home. A man, woman and child inside the house were uninjured but badly shaken up. How they escaped harm is as mysterious as how the bombers remain uncaught.

Roy Terry, 32, who lives in the house, was on the first floor, and Mrs. Dorothy Kindred and her three-month-old baby were upstairs when the explosion went off.

Police believe dynamite was thrown on the porch or in the front room of the house. All windows in the house were knocked out. The front was ripped to matchwood and the porch splintered by the blast.

Henderson, a contractor, was not at home at the time of the blast. Henderson's home and that of the Rev. E. B. Deyampert were dynamited last Oct. 13.

Nine days before the Henderson bombing, the combination office and residence of Dr. J. A. Boykins was bombed. The new Boykin home is located in an all-Negro zone.

On March 25, 1945, three homes, side by side, on Eleventh Avenue, West, were dynamited, two of them belonging to AME Bishop S. L. Green. John Madison owned the other.

In the spring of 1947, the home of Samuel Matthews, on Eleventh Court, West, was bombed.

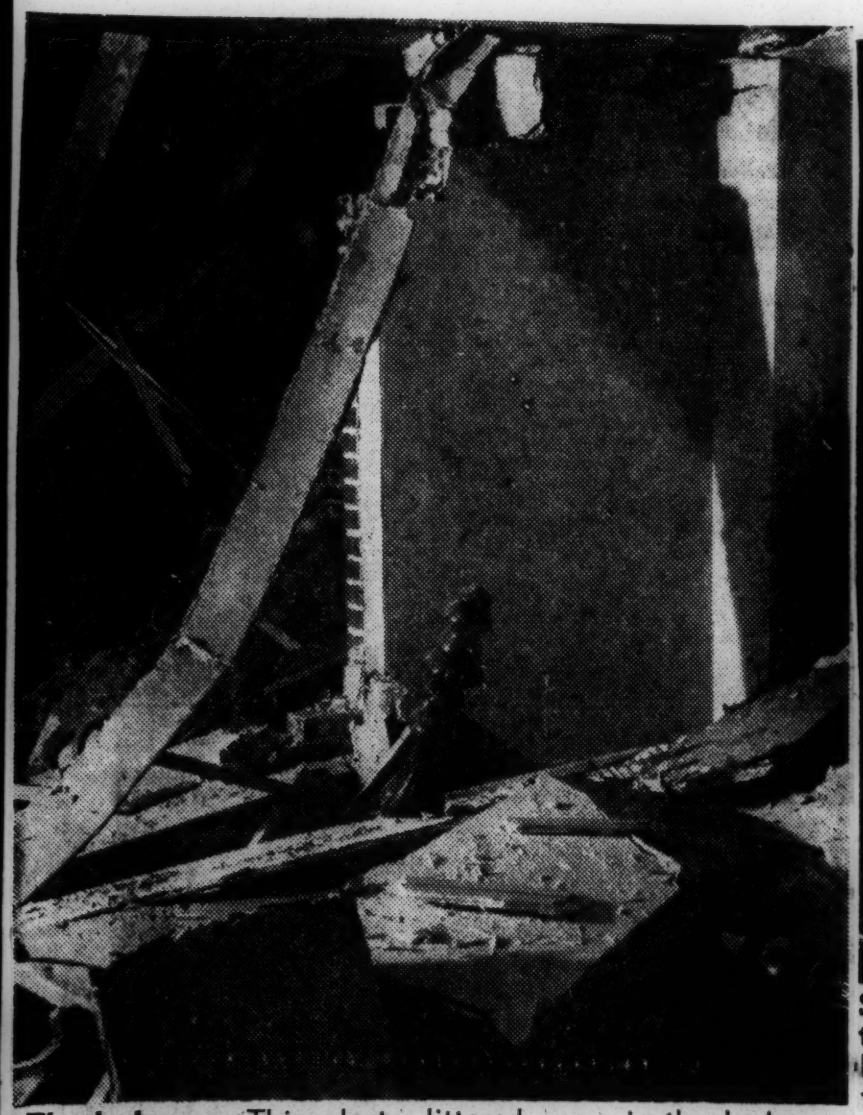
Hundreds of citizens rushed to the scene of the Saturday night bombing, and angry mumblings could be heard from the milling throng. Police kept the crowd moving. A prominent leader who exhibited loud displeasure with the pace of the investigation, was allegedly checked by police.

NAACP leaders here mourning the death of branch president A. C. Maclin issued no statement. Top leaders of the association were slated to meet Monday night. In other quarters, there was mounting bitterness over the unsolved bombings. Some hinted underground protective measures.

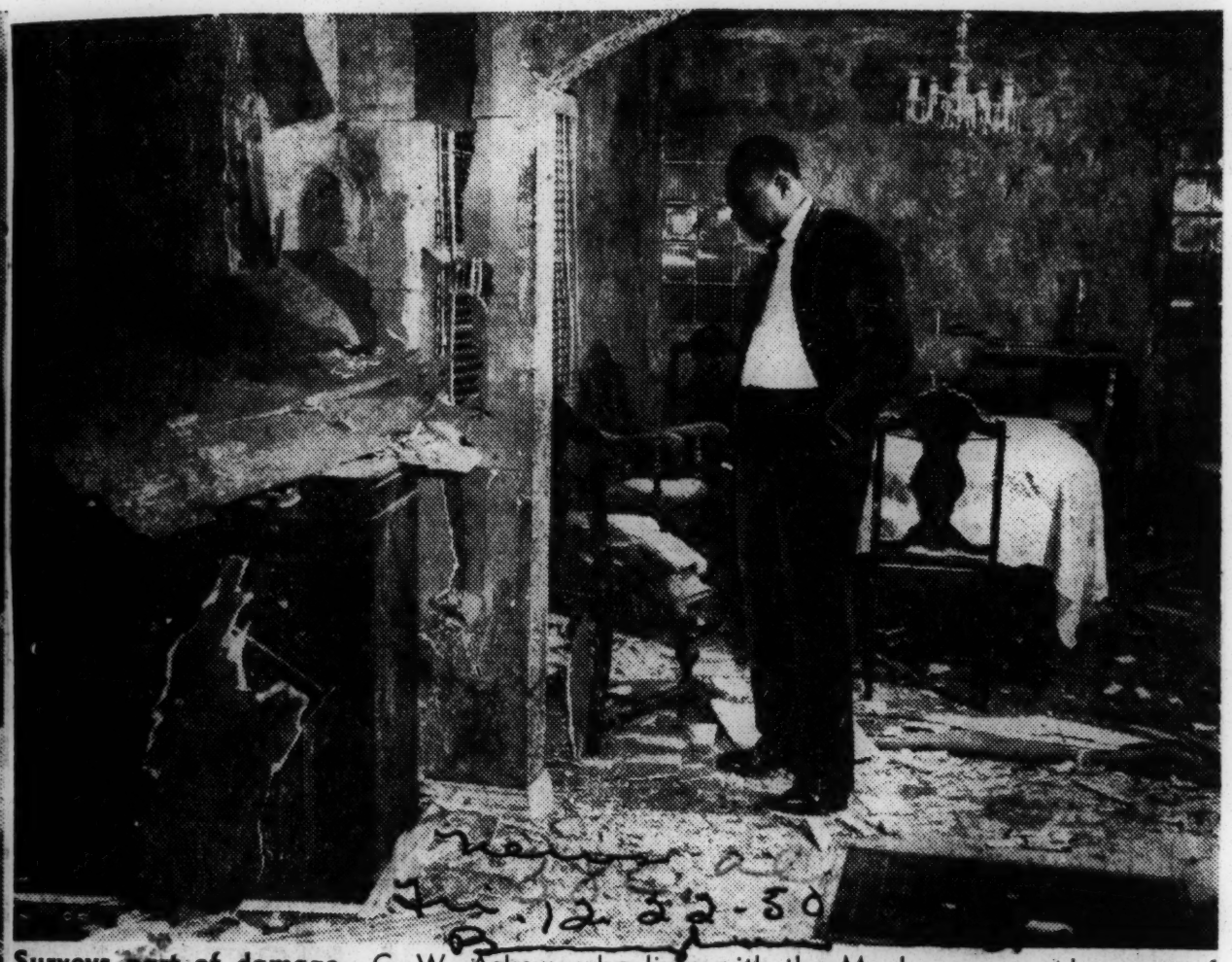
Police Chief Floyd Ennis and Capt. Charles Pierce indicated they had no information leading to a solution of the bombing. Detectives J. R. Davis, J. W. Henson, Carl Neil and W. E. Coleman were assigned to investigate the case. Meantime, a full-time police guard had been assigned to the house.

Deputy Sheriffs B. N. Dinken and Marshall L. Allen were also assisting the city detectives with the investigation.

Thousands of spectators drove by the scene Sunday, but police permitted none of them to stop.



The bedroom—This plaster-littered room is the bedroom of Monroe and Mary Monk. The owner of the house left the room just before the blast which severely damaged her home. The house had been the center of a test of the city's zoning laws. The United States Court of Appeals Wednesday upheld a federal court's decision that the laws are unconstitutional.



Surveys part of damage—C. W. Askew, who lives with the Monks, surveys damages of the bomb. He stands in the doorway between the living room and dining room. On the left is a huge hole torn by the explosion. This five-feet-by-two-feet-hole is some 18 feet from where the bomb is thought to have exploded.

BIRMINGHAM LOSES NEGRO ZONING PLEA

Federal Appeals Court Rules 'All-White' Regulation Is Unconstitutional

Special to THE NEW YORK TIMES.

NEW ORLEANS, Dec. 20—The United States Fifth Circuit Court of Appeals ruled today that a section of Birmingham's zoning law violated the Federal Constitution by barring Negroes from "all-white" residential sections.

Circuit Judge Wayne G. Borach wrote the majority opinion with Judge Leon McCord concurring. Judge Robert Russell wrote a dissenting opinion in which he said attorneys for the city should have been allowed to show that "breaches of the peace, riots, destruction of property and life would follow attempts to violate the restrictions."

The Birmingham attorneys had contended that the city and the State of Alabama had certain inalienable police powers and under them the zoning regulations were valid.

In this respect, Judge Borach's opinion stated: "* * * Police power, however broad and extensive, is not above the Constitution. When it (the Constitution) speaks, its voice must be heeded and it is the obligation of this court to so declare."

He added, "We find no merit in appellant's further contention that the court below erred in excluding certain evidence of a social and economic character."

The case was brought to the appeals court by the city of Birmingham from a District Court judgment in favor of Mary Means Monk and several other Negro citizens who asked a declaratory judgment that the zoning regulations violated the Fourteenth Amendment of the Constitution and an injunction restraining the enforcement of the regulations.

The regulation in question provided "that it shall be a misdemeanor for a member of the colored race to move into, for the purpose of establishing a permanent residence, or having moved into, to continue to reside in an area in the city of Birmingham generally and historically recognized at the time as an area for occupancy by members of the white race."

Judge Borah ruled that the "right of occupancy solely because of color cannot be squared with the requirements of the Fourteenth Amendment."

Another Bombing Outrage!

In this Christmas season of good will, when this nation is engaged in tragic conflict abroad and facing the threat of another world war, the peace and security of this community are violently shattered by the bombing of another Negro home on Center Street in the Smithfield area. All good citizens of Birmingham are profoundly shocked.

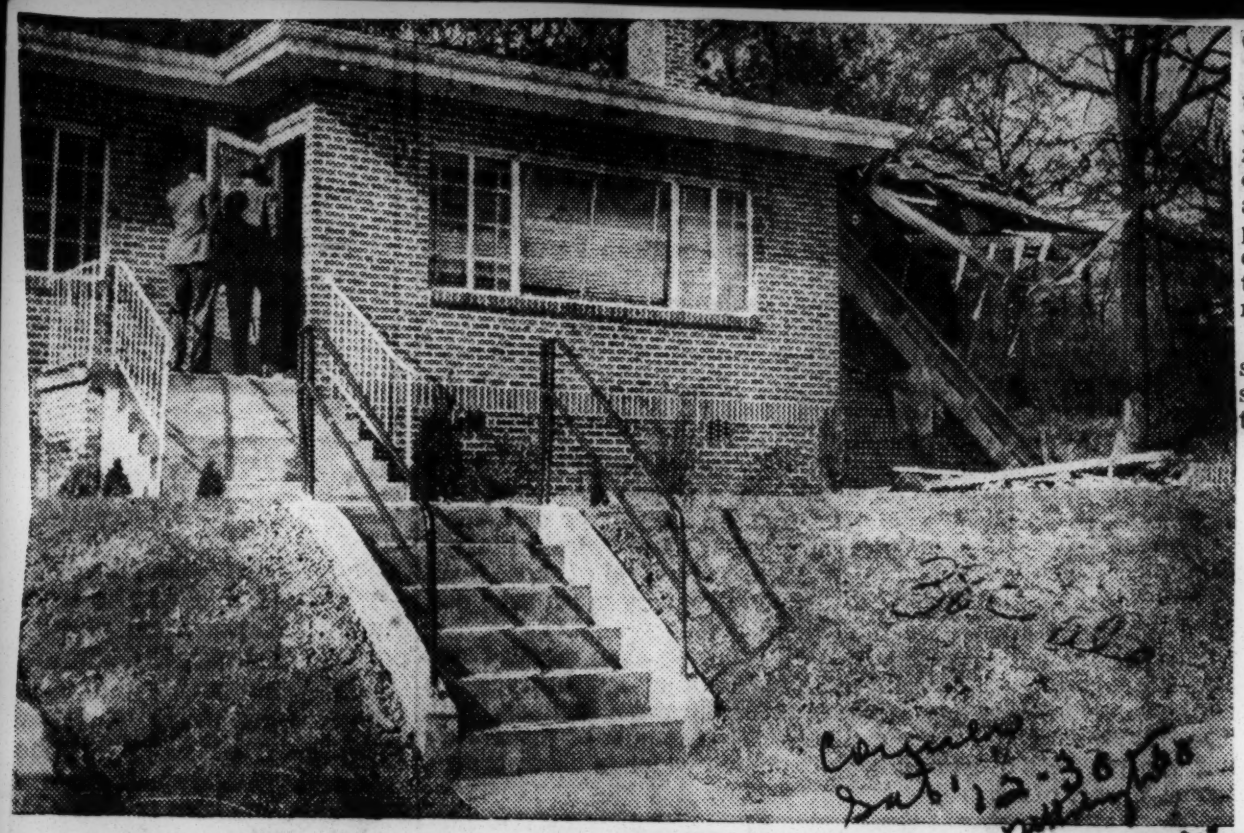
This outrage Thursday night came swiftly, aftermath of a decision by the United States Circuit Court of Appeals upholding a district court finding that this city's zoning law providing for racial segregation was unconstitutional. The home, only recently completed, was occupied by a Negro woman who was among the challengers of the ordinance.

This was the fifth such bombing since the Spring of 1949. Six persons were in the house, which was badly damaged, and narrowly escaped injury.

Such frightfulness is, of course, an intolerable defiance of law, decency and humanity, a blow at the security of all of us.

It is the work of a mad fanaticism which deeply menaces the whole community.

The utmost endeavors to find the guilty and to put an end to such terrorism are obviously imperative in the common interest.



DYNAMITERS' TARGET—This is the $18,000 residence of Mrs. Mary Leans Monk that was the target of anti-Negro dynamiters last week in Birmingham where five such blasts have occurred in the past year. The attempts were made in order to discourage colored persons moving into so-called "white residential" areas.

Court Affirms Negroes' Right To Live In B'ham White Areas

NEW ORLEANS, Dec. 20—(AP)—"When the Constitution speaks, its voice must be heeded," the U. S. Fifth Circuit Court of Appeals said Wednesday in affirming the right of Negroes to live in "all white" sections of Birmingham, Ala.

The court's decision affirmed a lower court's ruling that Birmingham's zoning law is unconstitutional.

Judge Wayne Borah, who wrote the majority opinion on the case, said the unconstitutional portion of the law prohibited a Negro from "moving into . . . an area in the city of Birmingham generally and historically . . . recognized as an area for occupancy by members of the white race."

"The rights created by the Fourteenth Amendment are, by its terms, guaranteed to the individual. The rights established are personal rights," Borah's opinion said.

The appeal was brought by the City of Birmingham vs. Mary Means Monk, et al., Negro citizens of the United States, the opinion said, who own property in a white section of the city. A lower court granted the Negroes an injunction against the city enforcing its zoning ordinance.

Judge Russell Dissents

Circuit Judge Robert Russell said in a dissenting opinion that 'there comes to mind Mr. Justice Holmes' oft repeated utterance that the most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic."

The same principle is involved, he said, in the city's argument that socially and economically, the mingling of white and Negro sections would be harmful.

Judge Russell said the city should have been allowed to show that "breaches of the peace, riots, destruction of property and life" would follow attempts to violate the zoning restrictions.

The city contended that it and the State of Alabama had certain inalienable police powers and therefore the zoning ordinances are valid.

Judge Borah's opinion answered this point, saying:

". . . Police power, however broad and extensive, is not above the constitution. When it speaks, its voice must be heeded and it is the obligation of this court so to declare."

At Birmingham, City Attorney J. H. Willis said the city's next step — if any — would be decided after reading the 2-to-1 Circuit Court ruling.

Judge Borah said "the important question presented by this appeal is whether or not the zoning laws and supplemental ordinance in question constitute a legitimate exercise of the police power of the state . . . or are unconstitutional and void as violative of the Fourteenth Amendment. . . .

". . . The Right of occupancy solely because of color cannot be squared with the requirements of the Fourteenth Amendment."

Case Winner's Home Bombed

BIRMINGHAM—Right after the U.S. Circuit Court of Appeals in New Orleans ruled that this city's racial zoning laws were unconstitutional, Mrs. Mary Means Monk's home was bombed here.

Mrs. Monk and five other persons were in the house when the explosion occurred, but they escaped injury. The blast ripped away half of a bedroom wall. Mrs. Monk had just left the room when it happened.

She has led a court fight against the residential segregation law here. A lower court already had upheld her right to live in the section which is zoned for white persons.

As usual, no arrests have been made. The house is very badly damaged. Colored homes in this area have been bombed at intervals since the summer of 1947. The last blast was on April 13, 1950.

No arrests have been made in any of the bombings, but police say that they are investigating.

City zoning law again declared unconstitutional

NEW ORLEANS, Dec. 20—(AP)—The City of Birmingham, Ala., cannot prevent Negroes from occupying homes bought in "all white" sections, the U. S. Fifth Circuit Court of Appeals ruled today.

The court, acting on the case of City of Birmingham vs. Mary Means Monk, et al., affirmed a lower court ruling which held the zoning laws of the city unconstitutional.

Judge Wayne Borah, who wrote the majority opinion, said "the rights created by the fourteenth amendment are, by its terms, guaranteed to the individual. The rights established are personal rights.

"One of the basic objectives sought to be effectuated by the framers of the fourteenth amendment was freedom from discrimination by the states and their municipalities in the enjoyment of property rights."

JUDGE ROBERT RUSSELL issued a dissenting opinion.

The city contended, in its appeal, that the zoning law was valid and constitutional and is a power that is inalienable and "cannot be surrendered by the City of Birmingham, Ala., or by the state of Alabama."

The decision said the case grew out of a suit "by Mary Monk and several other Negro citizens of the United States" who asked a Federal District Court to enjoin the city from enforcing its zoning law.

THE U. S. DISTRICT COURT for the Northern district of Alabama found in favor of the Negroes and declared the law unconstitutional.

The city appealed from the judgment and this appeal was the basis for the opinion today.

The city said the Lower Court erred in not permitting it to show the social disorders which might arise from the mixing of whites and Negroes in a residential section.

The city also claimed the exclusion of Negroes from white residential sections was not entirely based on "color" but also regarded the social aspects of the question.

* * *

JUDGE BORAH said the question dealt with "personal rights" which are basic in the American system.

"We find no merit in appellant's further contention that the court below erred in excluding certain evidence of a social and economic character. This evidence was irrevelant and immaterial to the issue of constitutionality," the majority opinion concluded.

Judge Russell, in his dissenting opinion, said "in this case, the finding of the city commission was . . . that the prevailing situation 'breaches of the peace, riots, destruction of property and life' which neither the city nor other law enforcement officers could prevent, would follow.

"Other constitutional rights have been restricted because of the circumstances in which they were sought to be exercised. . . . If the legislative finding that an emergency existed was to be overlooked or disregarded, the city should have been allowed to introduce evidence of the true situation."

Birmingham City Atty. J. H. Willis today said he had not read the decision of the U. S. Circuit Court of Appeals and could not say at this time what move the city would make, if any.

If the City of Birmingham decides to appeal further the case would go to the Supreme Court of the United States.

Blast Series Rips Negro Residence

A series of violent blasts last night shattered the interior of a residence and office under construction—in a Negro-zoned area—for a Negro dentist.

Police Chief C. Floyd Eddins immediately assigned several detectives to investigate this and other bombings in the area and promised round-the-clock investigation until the case is solved.

(Photo on Page 36)

The brick building was being erected for Dr. J. A. Boykin and his wife, who is a school teacher. It was at 524 12th Terrace, North. It would have been ready for occupancy May 1.

Chief Eddins said that last Nov. 3 an ordinance went into effect zoning this address for Negroes.

Investigating officers were working today on two theories:

1. The explosions resulted from a continuation of zoning rows which have caused at least three dynamitings in the past. The building is only five blocks from the scene of North Smithfield bombings last year.

2. There is a possibility that the blasts followed a dispute between labor organizations or came after the use of non-union labor.

* * *

CHIEF EDDINS SAID two additional detectives were assigned to the investigation today. Already working on it were Detectives J. W. Henson and J. R. Davis. Newly assigned probers are W. E. Coleman and Carl Neill.

The chief issued one of the strongest condemnations of his career as head of the Birmingham Police Department.

He said, "The detectives have orders to work around the clock until the case is solved.

"The Birmingham Police Department is determined that this wave of bombings will be ended."

Two bombings in the nearby North Smithfield area have been reported within the last 15 months.

Chief Eddins said, "Exhaustive investigations have been made in the other bombing outrages. We regret that we have not been able to solve them. But we assure the citizens of Birmingham that their property rights will be protected and this kind of outrage will be ended."

THE THREE explosions came at intervals of less than a minute, according to neighbors, and shook the area for a mile around.

The explosions apparently were set off in the basement of the new building. Dr. Boykin had planned to use the basement as an office.

Detectives J. M. Davis and J. W. Henson, who investigated last night, were unable to find any traces of the explosion used.

The blasts came at 9 p.m., shortly after workers had left the building after plastering the interior. All the plaster was blown from the walls and ceilings. The flooring and the back wall of the house were shattered. Floor sills were split by the force of the explosions.

Walls dividing the basement into four rooms were crumbled. Litter from the explosion was piled up all over the house.

THE SHATTERER HOME is located on the corner of a Negro district. The building faces residences on three sides which are occupied by white families.

Dr. Boykin's wife said last night that she and her husband own three lots along 12th Terrace North, including the lot on which the building was being erected.

The land was purchased from the city of Birmingham.

City Hall officials recalled that the Negro couple made a thorough investigation of zoning before deciding to build on the site.

The school teacher said she and her husband took a petition around to each of the surrounding homes and asked if there were any objections to building there.

* * *

"SOME PERSONS SAID they did. Others said they did not, while others would not commit themselves, but said to go ahead anyway," she said.

The petition was taken to the City Zoning Board, which approved the changing of one lot from zoning for white residence to Negro residence. The City Commission also unanimously approved the action.

The change was made by the city while there was an ordinance in effect which barred the changing from white to Negro zoning of any property "historically regarded as white."

The zoning change was made before the city was taken to court in a case which threw out racial zoning here.

White residents of the area said last night that there had been no racial trouble of any kind in the neighborhood.

Practically all of the work on the house has been done by Negro contractors. The general contractor and the electrical contractor both used Negro workers on the house.

Dr. Boykin has a private practice in Eufaula, his wife said. He works alternate weeks at the Margaret mine of the Alabama Fuel & Iron Company.

Dr. Boykin's wife is a teacher at the Woodward School in Jefferson County. The Boykins now reside at 504 12th Avenue, North.

B'ham Police Press Probe Of Bombing

Negro's Home Is Shattered By 3 Blasts

BIRMINGHAM, ALA., April 14 —(AP)—Birmingham's police chief Friday promised a "round the clock" investigation into the bombing of a west side house being built for a Negro dentist.

The unoccupied brick house and office were shattered by three violent explosions Thursday night. It was being built for Dr. J. A. Boykin and his school teacher wife at a cost of about $11,000.

The nine-room structure is five blocks from North Smithfield, scene of four dynamitings of Negro houses last year. The Boykin house is in an area zoned for Negro residences. It faces three white homes.

The Boykins said they asked white neighbors if they had any objections to their building the home.

"Some of them said they did," they added. "Others said they did not, while others would not commit themselves, but said to go ahead and build anyway."

Detectives Assigned

Police Chief Floyd Eddins assigned four detectives to the case. He said the officers "have orders to work around the clock until the case is solved.

"The Birmingham police department is determined that this wave of bombings will be ended.

"Exhaustive investigations have been made in the other bombing outrages. We regret that we have not been able to solve them. But we assure the citizens of Birmingham that their property rights will be protected and this kind of outrage will be ended."

The chief told reporters later, "We are not trying to pin the motive for bombing on racial disturbances alone. We are investigating other angles of the case in an attempt to dig up any evidence which would indicate what the motive was."

Mrs. Boykin said, "I don't think there is any labor controversy involved whatever — it's purely racial."

She said the damage was covered by insurance.

Home of Negro Dentist Blasted in Birmingham

BIRMINGHAM, Ala., April 14 (UP).—Three dynamite charges, exploding at one-minute intervals last night damaged a nine-room brick residence-office being built for a Negro dentist and his school-teacher wife. No one was injured. The Negro couple planned to occupy the building May 1.

The explosions, which shook the hilly heavily-populated area for a mile around, occurred only five blocks from the North Smithfield section where three Negro houses were dynamited last year. No one has been charged with the violence.

The building is located on the corner of a Negro district but faces white residences on three sides. The owner of the building is Dr. J. A. Boykin. His wife said before they built she carried a petition around to the white neighbors asking if any objected.

"Some of them said they did and others said they did not," she said. "Others would not commit themselves but said to go ahead and build anyway."

She said the lot was bought from the City of Birmingham and was zoned for Negro residences in October. She said their building plans were approved by the city commission and the city zoning board.

The People Protest!

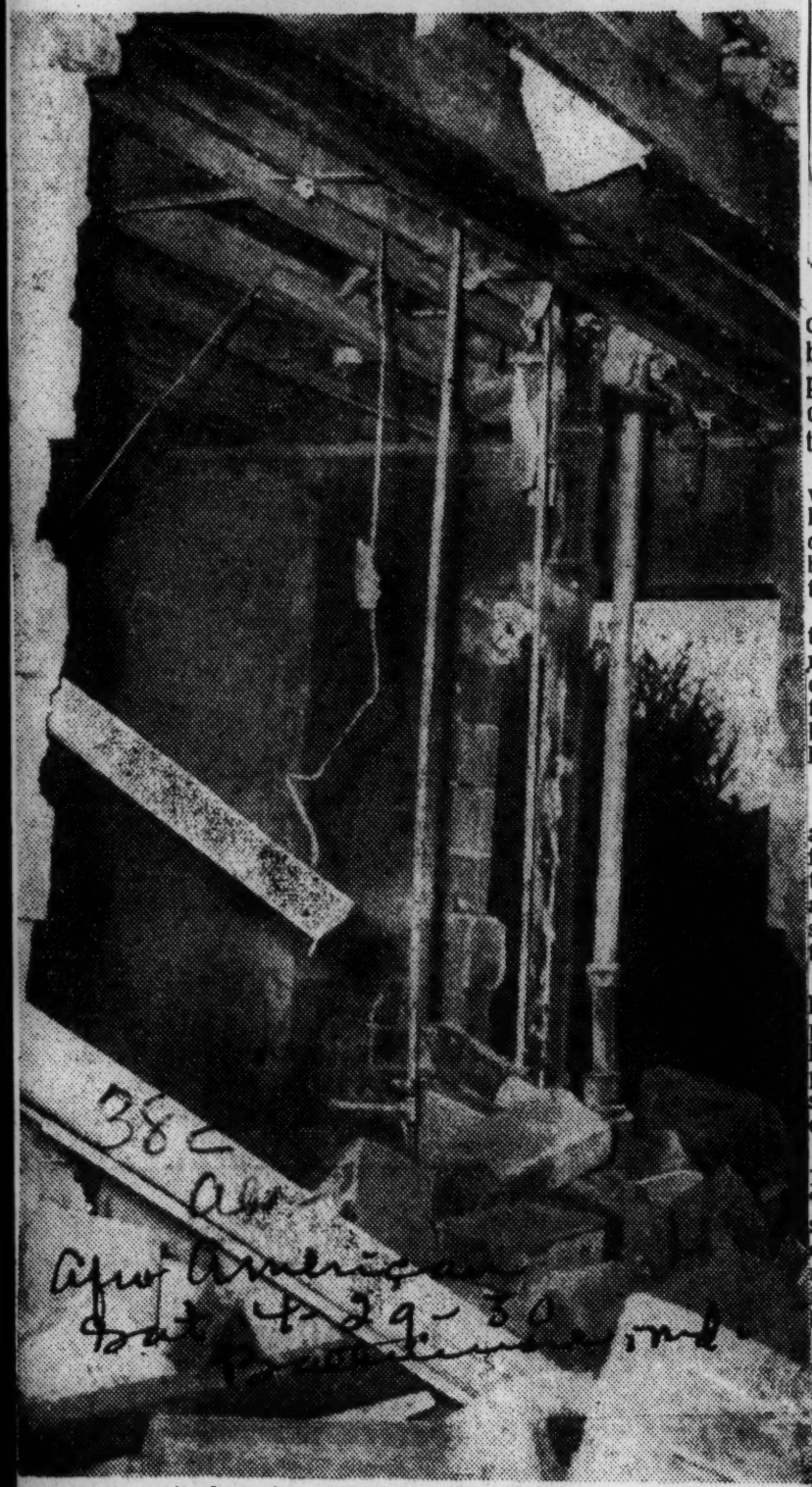
It is heartening to know that many citizens are speaking up strongly against the dastardly and cowardly action of Thursday night which badly damaged a man's home. The building under construction, nearly completed, was to be used as a combination home and office by a Negro dentist. Dr. Boykin has practiced in this county and this state for many years. He is widely known among his own people and has many white friends. The house which was almost completely destroyed was in an area that had been zoned for Negro usage.

There was no problem here of a Negro buildng in a white area. The lot on which the ruins of the house still stand was zoned for Negro occupancy before Dr. Boykin started to build on it. The city had so ruled at a time antedating Judge Clarence Mullins' decision of last Autumn declaring the city's zoning laws based on race to be unconstitutional.

* * * *

The men who performed the deed are cowards. They must be found. The city's police declare they are active in trying to find the criminals. In other previous bombings not one arrest has ever been made. The people of Birmingham are deeply disturbed over the long failure of the police to find men who buy dynamite and use it to destroy other men's property. The time has come when action is demanded and when excuses no longer will satisfy anyone.

Home Bombed



Shown above is the ruin created by explosives planted in the, almost $11,000 home of Dr. J. A. Boykin of Birmingham. Dr. Boykin told the AFRO that the April 13th bombing has not been furthered by any intimidation by terrorists and that he and his wife are formulating plans to rebuild the home.

DENTIST NOT INTIMIDATED:

Purchaser of Bombed Home Plans Rebuilding

BIRMINGHAM, Ala. — Dr. J. A. Boykin, whose almost-completed $11,000 home was wrecked by three dynamite bombs, Thursday night, told the AFRO by long-distance telephone on Monday ,that he and his wife have not been intimidated by the terrorists and are formulating plans to rebuild the home.

He asserts that he and his wife were in Eufaula, Ala., where he has his private dentistry practice, on the night that the home was bombed, and upon notification of the crime, rushed here to learn

The dentist stated that in attempting to avoid any unpleasantness as early as 1948, he sought out six of the white residents of the area in which he contemplated building and asked them if they had any objections.

Suspects Biased Neighbors

Four of the six did not, he said, and signed a petition to that effect. The other two persons stated that they objected, Dr. Boykin added. He then set forth his suspicions that they were behind the bombing.

The dentist revealed that the home was insured, but said his plans for rebuilding depend upon his being able to obtain as comprehensive coverage in a new insurance policy as he had in the one covering the building.

He indicated that his wife was 100% behind his plans to rebuild. "You know how women are," he stated, adding that she had anticipated moving into the beautiful new home greatly and was packing for the event at the time the home was wrecked.

Asked what possibilities there were that the city might be held liable for the damage, because of its failure to protect the home properly, Dr. Boykin stated that he intended to take the matter up with his lawyer.

Although he had been assured by police officials that they would do all in their power to apprehend the criminals, he scoffed at their promise, in view of the fact that no suspect had been nabbed in seven such bombings of colored homes in the last three years.

Dr. Boykin reiterated the fact that he was not a trouble seeker, stating that he had full legal sanction for building the home in the that the nine-story dwelling will have to be completely rebuilt.
area rezoned for colored occupancy by the City Council.

Neighborhood Colored

"The neighborhood actually is a colored neighborhood," he pointed out, stating that colored persons have lived in the block on which he built since the first World War.

"One family in the block has lived there for 44 years," he declared.

Dr. Boykin, when asked if there was any reason to believe that use of non-union labor in building the house might not have caused the blasts as reprisals from unions, stated that he did not think so.

He said he signed up with the contractor to build the house and that the aspect of union or non-union builders was not mentioned.

He added that he understood that colored building employees were not admitted to the building trades unions, so would be for the most part, non-union men.

"Racism" Blamed

"Wanton racism is behind the destruction," he declared, recalling how bigoted the opponents of the rezoning plan were at the hearing before the City Council last October.

Dr. Boykin stated that he has not confronted any of the whites who live in the area of the bombed home since its destruction, but would like to be assured that he could rebuild without further incidents.

Bomb Victim Not Moving

Tells AFRO of His Firm Determination

By CARDELL W. M'VICKERS
AFRO Staff Correspondent

BIRMINGHAM, Ala.— I am not moving. I am going to stay right here and fight it out to the bitter end."

That's what the Rev. B. W. Henderson, minister-contractor told the AFRO Monday after his home had been bombed for the second time in six months by white hoodlums. It was the 8th bombing in 3 years, and the second in 9 days.

Thousands of curious persons viewed the shambles Sunday as police stood guard. The bombing, police said, was perpetrated by a gang of white men riding in automobiles.

Fortunately no one was injured in the Saturday bombing. In the house at the time were Mrs. Doris Kindred and her three-omnths old baby and Roy Perry. Perry was on the first floor while Mrs. Kindred and baby were upstairs.

Windows Shattered

All of the windows in the residence were blown out and the front porch and front part of the house ripped to shreads. Plaster had been jarred from the walls by the force of the blast and the rooms were left in shambles.

Belatedly police have been assigned on 24-hour duty. This action, observers state, was forced because of the tense situation.

Hundreds of angry veterans stormed by the house and many openly vowed revenge on the dynamiters. Curiously enough the police department has made no real effort to apprehend the terrorists.

Conner A Dixiecrat

Safety Commissioner Eugene (Bull) Conner, who heads the police department is currently running for governor on the Dixiecrat ticket. Many Birmingham citizens privately credit his inflammatory radio speeches on the racial question for the renewal of terroristic tactics.

Criticism was also directed at George D. King, FBI special agent in charge of Birmingham, who many insist is closely allied with the Dixiecrat movement.

"We wouldn't expect him to do anything about it," they said.

King told the AFRO he had wired Attorney General J. Howard M'Grath about the latest dynamiting, but declined to say whether or not his office would step in the case.

Seeks U.S. Aid

Dr. John H. Buchanan, white Baptist minister, of the Citizens Committee of 500, voiced a growing demand for Federal aid in solving the bombings.

"I think it's time for the right-thinking citizenship of Birmingham to begin to mobilize setiment behind the forces and decency and law and order, to bring justice to those irresponsible criminals."

"If the local police authorities are not able to find the violators, they should call upon the State forces and if necessary the Federal forces to apprehend these law violators."

The Committee of 500 was organized last year following an outburst of floggings and cross burnings by Ku Klux Klan night riders.

All In One Area

The nearly completed home of Dr. J. A. Boykin, dentist, was completely destroyed by three explosions nine days ago. All of the blastings are in the Smithfield area, a section which is undergoing change from white to colored occupancy.

Dr. Boykin told the AFRO last Monday that he fully intended to rebuild his home and live in it. The same determination has been expressed by occupants of the other seven houses which have been bombed.

Besides the Henderson and Boykin bombings, other blasts were recorded as follows:

August 18, 1947—Home of Samuel Matthews at 11 p.m.

March 25, 1949—Three homes bombed. Two were owned by Bishop S. L. Greene of the AME Church and the third owned by John Madison.

October 13, 1949—Two homes bombed. They were the residences of the Rev. E. B. Yamtert, 1104 N. Center St., and that of the Rev. Milton Perry, 1100 Center St.

NEGRO ZONE LAW IN BIRMINGHAM RULED INVALID

New Orleans, Dec. 20 (AP)—The city of Birmingham, Ala., cannot prevent Negroes from occupying homes bought in "all white" sections, the United States 5th Circuit Court of Appeals ruled today. The court affirmed a ruling that held the Birmingham zoning laws unconstitutional.

The United States District court for the northern district of Alabama found in favor of the Negroes and declared the law unconstitutional. The city appealed the judgment.

The city said the lower court erred in not permitting it to show the social disorders which might arise from the mixing of whites and Negroes in a residential section.

'Center Street Line Will Be Held'

Civic Group Protests White Zone Home Sales To Negroes

A declaration that North Center Street in North Smithfield will be "maintained" as a dividing line for white and Negro residence was before the Alabama Real Estate Commission today.

It came from Olin H. Horton, chairman of the public affairs committee of the Graymont-College Hills Civic Association.

Mr. Horton and a group of the Graymont-College Hills Association members appeared before the commission at a meeting in the Courthouse to protest sale of property to Negroes that had been zoned for white residential purposes.

He said the group recognized that the city zoning law had been voided by Federal Court action, but he pleaded with the commission to take some action to halt further encroachment of Negroes into areas occupied by white residents.

Mr. Horton mentioned the bombing of a Negro home in the North Smithfield area last Saturday night.

"We know nothing about those bombings and our people are not responsible for them," he said.

"I cannot tell you who is responsible."

* * *

THE GROUP spokesman then declared the association is determined to "maintain the Center Street line by peaceable means."

Mr. Horton appealed to the commission to penalize real estate salesmen "who wilfully and knowingly sell property to Negroes that can cause trouble."

W. J. Norville, of Mobile, a member of the three-man commission, said he felt that any penalty regulation imposed by the commission could be "resisted and nullified."

Mr. Norville, however, said he would consult the state attorney general on that point. He also said the commission will send letters to real estate dealers throughout Alabama "asking them not to act in a way to bring disrepute or criticism on the real estate profession."

* * *

MR. HORTON said Public Safety Commissioner Eugene Conner had been invited to attend the meeting today, "but he's busy trying to be governor."

He said the president of the Birmingham Real Estate Board (Leo Mendel) also was invited, but did not appear.

Appearing with Mr. Horton were the following members of the Graymont-College Hills Civic Association:

H. G. Hicks, Walter Monteith, G. E. Henderson, Mrs. Charlotte Marshall, I. E. Tyson and J. R. Gardner. Mr. Gardner, president of the association is principal of Ramsay High School.

Members of the Real Estate Commission at the meeting were John P. McQueen, of Montgomery, chairman; J. H. Kelton, of Cullman; Mr. Norville, and the secretary, Miss Nell Jordan, of Montgomery.

Civic, Religious Leaders Attack Bombing Here

Baptist Minister Wants U. S. Help; Women Rap Blasting

Religious and civic leaders today denounced the bombing of another Negro home here.

Dr. John H. Buchanan, pastor of Southside Baptist Church, called for federal assistance in the investigation "if necessary."

Less than 24 hours after the home of B. W. Henderson, 1100 Center Street in North Smithfield, was blasted Saturday night, the Women's Professional and Business Club of Birmingham, released a strong resolution urging law enforcement officers of the city, county and state to keep at the investigation until the guilty party is caught.

THE RESOLUTION called for prosecution "to the limit of the law."

The blasting of the Henderson home followed by only 10 days the dynamiting of a combination home and office under construction for a Negro dentist near the North Smithfield area.

To Dr. Buchanan's pleas were added those of the congregation of the East Lake Baptist (Negro) Church. An open letter to officials of Birmingham and Jefferson County said:

"We, the pastor and members of the First Baptist Church at East Lake, are moved by the flagrant disregard for life and property in the City of Birmingham.

"As Christians we must denounce now and ever, any and all injustices to mankind, irrespective of race, creed or color.

"We speak in direct reference to the recent bombing of Negro homes in and around the Smithfield area, in which the vandals responsible for such action not only violated an ordinance of the land and city, but also of Jesus Christ whose teachings and precepts emphasize the love of man each for the other and of which the Golden Rule is an excellent example."

The "open letter" ended with this prayer: "May these acts cease through the power of Jesus Christ our Lord."

* * *

DR. BUCHANAN was a leader in the Committee of 500 formed here last Summer to support officers after an outbreak of floggings and other instances of mob violence. His aeal for vigilant investigation came as city, county and state officers continued their investigation. The local FBI office has notified the Department of Justice of the bombing.

Four detectives, two state officers and two county deputies have been assigned to the case.

Six bombings, most of them violent blasts that spread alarm over a wide area, have gone unsolved in the past 13 months.

Dr. Buchanan, an official of the Citizens Committee of 500 organized here last year to support officers after an outbreak of floggings and cross burning, said in part:

"I think it's time for the right-thinking citizenship of Birmingham to begin to mobilize sentiment again behind the forces of decency and law and order, to bring justice to these irresponsible criminals.

"If the local police authorities are not able to find the violators, they should call upon the state forces and if necessary the federal forces to apprehend these law violators."

The Center Street home of Negro Contractor B. W. Henderson was blasted shortly before 9 p.m. Saturday.

The front porch of the home was ripped in half and part of it was blown away. The force of the explosion blew weatherstriping and plaster from the front of the house leaving only a thin latticework.

It was the second time dynamite has been used on the home which has been the focal point of the controversy over zoning in North Smithfield.

* * *

THE FIRST "INCIDENT" involving the home came early last Summer when Willie German, a Negro, was in the process of moving in. He was told by an ex-city employe to get out. The ex-city employe represented himself as an officer of the Robert E. Lee Klan of Birmingham. He later denied this—but the Negro moved out.

Shortly thereafter, the Rev. Milton Curry, a Negro, and Henderson moved into the home. They received numerous threats by phone.

And Henderson found several sticks of dynamite on the lawn alongside his house.

The home is across the street from what was regarded as the dividing line for Negro and white residences. During efforts to seek a compromise zoning settlement for the area, city commissioners were warned there would be "trouble." Two days later, dynamite was hurled at the Henderson home. The front of the house was badly shaken, but the damage was not bad as that of Saturday night.

The Rev. Curry moved out of the home, but Henderson stayed on and began making payments on the house.

* * *

MEANWHILE, Federal Court here has enjoined the city from enforcing any portions of its laws regarding racial zoning. The city has appealed.

Quiet settled over the North Smithfield area then until April 13 when the residence-office of a Negro dentist was bombed on 12th Terrace, North.

Four of the bombings, involving five homes, have been within an area one block long.

Police Chief C. Floyd Eddins and Detective Capt. C. L. Pierce are leading the city's investigation. Capt. Pierce said this morning that no leads have been uncovered.

Dentist's New Home Blasted

Had Solicited White Neighbors' Assent

BIRMINGHAM, Ala.—Although built on property purchased from the city that had been zoned for occupancy by colored persons, the nine-room home of Dr. J. A. Boykin, dentist, and his school teacher wife, was ripped by three explosions, last Thursday night.

Dr. Boykins, who had expected to occupy the home on May 1, had asked his prospective white neighbors about living near them and found most of them unopposed to his taking up residence in the block, which is at the corner of a colored district facing three white homes.

The explosions, which shook the heavily populated hilly area for a mile around, occurred only five blocks from the North Smithfield section where three houses purchased by colored persons were dynamited last year.

The blasts came at one-minute intervals, apparently timed by fuses, detectives said. No one was injured.

Mrs. Boykins told officers that before she and Dr. Boykin began building, they took a petition to white neighbors in the section and asked if they had any objections.

"Some of them did," she said, "while others stated that they did not. Still others," she added, "would not commit themselves, but encouraged us to go ahead and build anyway."

The school teacher said she and her dentist husband took the petition and the house plans to the City Commission and obtained its approval and that of the City Zoning Board.

Dr. Boykin has his dental offices at Eufaula, Ala. Neither he nor his wife disclosed what their future plans about the property are.

From Where I Stand

Persons Who Bomb Smithfield Homes Must Be Punished

BY VULCAN

HOW LONG are we going to put up with it?

The dynamiting of houses in the Smithfield area seems to go on and on.

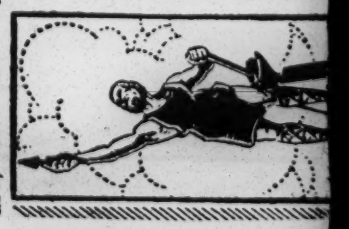
Are the bombings becoming so commonplace that they no longer arouse the people of this community?

I don't care who the terrorists are, what their purpose. They must be found and punished.

Police Chief Floyd Eddins says he and the Police Department are doing everything possible to get to the bottom of the bombings.

Every citizen who possibly can help put a stop to terrorism and violence in the Smithfield area should give information to the Police Department. And the good citizens of Birmingham can help by getting behind the police department in pushing to have this mass

VULCAN



City Of Unsolved Bombings

From BIRMINGHAM WORLD

Violence unsolved is lawlessness out of hand. Seven violent bombings in Birmingham running from 1947 through April 17, 1950 compound tragedy and shame. They were all night bombings. Six of them have followed bombs of bigotry dropped from the withered lips of hateful men.

Here was the home of Dr. and Mrs. J. A. Boykins nearing construction in an area zoned for Negroes. Only Negroes live in the block where their future combination office-and-home was to be situated. Yet it was bombed. Here were two adjacent neighborhoods—Fountain Heights and Enon Ridge—where people have lived without friction. Yet bomb-throwers come by night with explosives.

It seems to make little difference where a Negro builds in Birmingham so long as it isn't a shack, for there will be those who will oppose him by lawless and barbaric methods too low and coward for anyone boasting of a tradition of courage, valor and honor. But such dastardly acts by no means reflect true Southern honor and manhood. They do not represent majority, or much of any, of the sentiment of this community.

It seems clear that local law enforcement is a poor match for this sort of violence. It would seem to call for federal assistance no matter how much one might dislike it. Might be that most of us would prefer exclusive local action, but foremost we desire to have the violators caught and punished. If local law can't do the job, let us get it done by the federal government, or at least give them a try.

It might not be amiss to assume that last week's bombings have some kinship with the Smithfield and Eleventh Court bombings. The crime marks are the same. The origin is likely to be the same. Therefore any other theory would seem to us to be a dodge and a dud. For these latest bombings seem to be a part of the bigotry which underlies the evil of an unhealthy brand of politics.

Bombers can't get away with their vile deeds in any city which makes up its mind to stop them. When this time comes, Birmingham will catch and punish such violent home-destroyers. Sentiment has now reached the point in Birmingham when local law enforcement will have to give a better account of itself. We believe, and hope, that they will do this. It is over due.

When a citizen can't depend for protection upon established law, then what should he do? What should one do about these bombings?

Birmingham has become the city of unsolved bombings. It's known by ugly violence all over America. This city deserves a higher standing in national and world opinion. More can be accomplished through brotherhood than by criminal bombings. Let us solve these bombings and win back the city's decent, magic, glowing name. Is Birmingham really as bad as the bombers would trv to make the world believe?

Shall We Accept This Disgrace?

Are we encouraging the idea here in Birmingham that homes of citizens can be bombed with impunity?

Six times in the last 13 months a Negro home has been damaged by blasts that in some instances rocked an entire neighborhood. So far not one arrest has been made. Are we giving the impression that we don't care about these acts of dastardly lawlessness?

It is natural to suppose that had arrests and prosecutions followed the first bombing or two, the other attacks might not have followed. Even though more than one group is engaged in such destruction of property and menace to life, definite action in one instance presumably might have deterred other persons.

But now the crimes go on. We are getting a black eye over the nation. The story of last week-end's bombing was carried as a news item over the nation. It was front-page news in a number of papers. Possibly Communists will pick it up and relay it to Russia as a sign of the way Americans treat minority groups. We are injuring not only the name of this city but the cause of justice and freedom by failing to stop these bombings.

Furthermore, we are increasing the pressure for federal intervention. When a man of the position and influence of Dr. John H. Buchanan, pastor of the Southside Baptist Church, suggests that federal aid be asked for, if necessary in connection with the bombings, we realize that local and states' rights may be endangered by shortcomings in local law enforcement.

Why cannot the Birmingham police, with the aid of county and state officers, put a stop to these outrages?

* * *

Four detectives, two state officers and two county deputies have been assigned to the bombings. They may be able to crack the case, given the support of our citizens. But if they can't, assign more men to the case and keep them at it.

These home bombings are not unsolvable crimes. Many persons must know about them, or have evidence concerning them. Evidence that will convict can be dug up, if we've a mind to.

The continued failure to make any arrests in any of these bombings lays the whole community open to criticism. We all stand accused of indifference to crime. The entire community is involved in charges that we are guilty of prejudice, that we have inadequate respect for the life and property of Negroes, that we do not uphold the sanctity of legal processes where a racial minority is concerned.

Are we going to accept this blot before the world?

Negro Dentist Says He Will Rebuild Home

A Birmingham Negro dentist said today he will rebuild the home-office blasted by dynamite two weeks ago.

Dr. J. A. Boykin had been challenged to rebuild the structure by his school-teaching son, Joel Boykin, of Union Springs.

The son's letter put it this way, "Rebuild . . . if you have not lost your courage."

THE SON'S letter recounted how he had dodged sniper's bullets on Saipan "trying to help make things comfortable and safe for the folks back home and perhaps for those who were implicated in doing us damage, or on the other hand felt themselves too good to live near me."

The father said the home-office for himself and his wife, who also is a teacher, will be rebuilt on the same spot. It was covered by insurance.

The site is across the street from three white residences. Its interior was damaged heavily by the blast before the couple could move into it.

His almost-completed $11,000 house was the sixth Negro house in the North Smithfield area to be bombed in the past 14 months. None of the bombings have been solved.

State, county and city officers are investigating.

* * *

JOEL BOYKIN'S letter to his father continued:

"I have looked forward and sacrificed too much. If I stood it at Saipan, I surely would be less a soldier to shirk my duty at home, especially when all local requirements have been satisfied."

Dr. Boykin said in a statement the house which was bombed "was the answer to the dream of my wife and myself" and "I have decided to again make the sacrifice, whatever it may cost me."

"I still believe," he added, "if enough of the square-thinking whites and blacks will stick together and decide, we are going to make our home place the most harmonious community of our section.

"We can do so, in spite of all outside and inside influence to the contrary."

The dentist declared Detective Capt. Charles L. Pierce had promised "all the protection the department can reasonably afford."

* * *

DR. BOYKIN said a paved street between his home, on the corner of a Negro block, and the white residences affords "our usual pattern of separation or segregation."

"I prefer the term separation," he added, "for I confess I still believe a paved or unpaved street of separation, for the majority of us who live here, is the surest and most harmonious way most of us down here would have it; although perhaps some few others could go a step further and still rest well at night."

Dr. Boykin's wrecked home was covered by insurance.

Negro's $18,500 Home In Birmingham Bombed

BIRMINGHAM, Ala., Dec. 22 (UP).—A charge of dynamite blasted a Negro home here last night, just one day after a Federal court ruled the city's racial zoning law invalid. Six occupants of the home escaped injury.

The explosion wrecked two rooms and damaged others in the $18,500 brick home of Mrs. Mary Means Monk, in whose name the zoning suit had been brought. She had moved into it two days ago.

Mrs. Monk, a former Miles College faculty member, said she was in her bedroom when she heard a thud against the wall, and turned and fled into the hallway. The explosion came an instant later. She and three other adults, and two sleeping children, were shaken but not injured.

The bombing was the fifth here since 1947, most of them in the same "fringe" area where Negro and white housing overlap. The Monk residence is near the Smithfield Court Negro housing project, and a white residence is about fifty yards away.

38c 1950

Alabama

Alabama Judge Says Zoning Issue Settled Back in 1915

Warned Court Against Outbreaks After Ruling

Birmingham Ordinance Backed Residential Segregation; Other Southern Examples Cited

BIRMINGHAM — Declaring that in 1915 the Supreme Court of Georgia ruled a similar ordinance in Atlanta unconstitutional, Judge Clarence Mullins permanently enjoined the City Commissioners here from enforcing their newest racial zoning law.

This law made residential segregation enforceable and came under fire after its adoption by the city following a previous decision by Judge Mullins that the old law was unconstitutional. During the latest controversy, several colored homes in the North Smithfield area in West Birmingham have been bombed.

Another Marshall Victory

Judge Mullins' ruling is another outstanding victory for Thurgood Marshall and Arthur Shores, NAACP attorneys, who represented the colored plaintiffs. The case was instituted on the grounds that the plaintiffs' constitutional rights were being violated by the zoning ordinance.

The full text of the Judge's decision follows:

"I want to make a statemen about this case, and I want abso lute quiet, I don't want any nois or demonstration on the part o anybody when I get through wit it.

"I went into the case thinkin that the judgment of this cour would probably be controled b the decision of the Supreme Court of the United States in Buchanan versus Warley, and there is noth ing that has occurred in the case that changes that view.

"It is my idea that the United States Supreme Court has expressly passed on this question in three different cases, and I am bound by those decisions, and it is my duty to follow them.

"It is my view that the Plaintiffs are entitled to the relief prayed for in this case, and I wish to make this statement in connection with my judgment.

Ruling of Southern Judges

"Perhaps, contrary to the belief of some, the legal question presented in this case is not new. In 1915, some 35 years ago, the Supreme Court of Georgia ruled a similar ordinance of the City of Atlanta unconstitutional.

"It is not without significance that the court that handed down that ruling was not a "carpetbag" or "scalawag" court, but was composed of Southern judges chosen by Southern people, and that their decision, coming 50 years after the War between the States, was handed down in an atmosphere free from the passions created by that conflict and its aftermath.

"In 1917, the Supreme Court of the United States declared a similar ordinance of another city invalid under the Constitution of the United States, expressly relying upon the same reasoning the Supreme Court of Georgia had used in its decision.

"Since then, the highest state courts of the States of Virginia, Oklahoma, North Carolina and Texas have held such ordinance unconstitutional.

Duty to Follow High Court

"This being a government of laws and not of men, it is the duty of this Court to follow the rulings of the Supreme Court of the United States on constitutional questions.

"On the validity of a zoning ordinance based on race or color, the Supreme Court of the United States has repeatedly reaffirmed its decision of 1917, leaving this Court in no doubt as to its command on this subject.

"The zoning ordinances involved in this case must be held to be unconstitutional and their further enforcement enjoined.

"However, it should be clear that this is one of those problems that cannot, because of its very nature, be solved by law alone.

"If it is to be solved, it must be solved by attitudes of co-operation between the races and by a determination of both races that it will be solved by the application of common sense and fair dealing.

More Than Race Problem

"Choosing neighborhoods in which to live and neighbors by whom to live involves a great deal more than a problem of races. It is a matter of personal habits, personalities and other individual conditions which, in their nature, do not necessarily involve the question of race or color.

"The same reason that would influence a member of the white race to reject a home in some white neighborhoods might operate equally to cause a colored citizen to reject a home in some colored neighborhoods.

"No person, whether white or colored, should actually desire or attempt to move into a neighborhood in which he knows he will be received in any but a neighborly atmosphere, because his ultimate happiness and that of his family can only be destroyed by such an unwise selection.

"Like all things of great value, the solution of this problem may not come easy. No respectable law-abiding citizen can believe that violence will aid in the solution of this problem.

Spirit of Moderation

"The solution will come with a mutual spirit of moderaton and forbearance of destructive passions.

"The people of other Southern cities, including Atlanta, Georgia; Winston-Salem, N.C.; Dallas, Texas; Louisville, Ky.; New Orleans; Richmond, Va.; and Oklahoma City, have solved their problems without restrictive ordinances, similar ordinances of such cities having been held unconstitutional.

"I am confident that the people of Birmingham are equally capable of working out a satisfactory solution.

"Judgement in the case will be for the Plaintiffs."

City Filing Appeal In Zone Law Case

Formal notice of appeal from the recent Federal Court decision declaring the city zoning laws unconstitutional was filed this morning by Horace Wilkinson, representing the city of Birmingham.

The appeal will be made to the U. S. Circuit Court of Appeals for the Fifth District.

Mr. Wilkinson cited 30 instances in which he claims the Federal Court erred.

The decision declaring the zoning laws unconstitutional was given by Federal District Judge Clarence Mullins, after a group of Negroes brought a class action suit against the city.

B'ham Ketona Home's Facilities Equal for Races

BIRMINGHAM, Ala. — A grand jury in its report here recently said that accommodations at the Ketona Home for Aged and Disabled are equal for both Negro and white inmates.

City's racial zoning law case now in lap of U. S. Appeals Court

MONTGOMERY, Ala., Oct. 20 — Birmingham's racial zoning law, held unconstitutional by U. S. District Judge Clarence Mullins, is now in the lap of the U. S. Circuit Court of Appeals.

The three-judge tribunal took the case under advisement and probably will give a decision within the next few weeks.

Judge Mullins ruled on the zoning ordinance last December and enjoined the city from enforcing it.

The Birmingham zoning law was adopted after three houses bought by Negroes for occupancy were dynamited in March, 1949.

A Negro group represented by Thurgood Marshall, New York attorney for the National Association of Colored People, took the matter into court. Horace Wilkinson, Birmingham lawyer, represented the city on appeal.

FROM WHERE I STAND
BY VULCAN
DYNAMITE BLASTS LOOSEN, TEAR DOWN WALL OF HARMONY

Every Dynamited Negro Home in Birmingham is an open invitation for an undesirable federal so-called civil rights law.

Every dynamite blast is an explosition in the wall of harmony and understanding between the white and Negro people who live here.

The terrorists who blasted the home and office being built in Smithfield by a Negro dentist and his school-teacher wife have given the would-be radical "reformers" from afar another bullet to aim at Southern custom and tradition.

The shameful thing is made even the more tragic because it defeats even the misguided purpose of those who believe they may gain some end by such violence. Nobody wins. Everybody loses.

I hope the Birmingham Police Dept., can get right to the bottom of this latest bombing. There have been too many such bombings in the Smithfield area, and as yet no arrests have been made.

News
Sat. 4-15-50
Birmingham, Ala.

Officers Press Bombing Hunt

Around-the-clock hunt for the bombers of a Negro dentist's home was pressed Saturday by officers, but so far no clues have been uncovered.

Public Safety Commissioner Eugene Connor and Police Chief Floyd Eddins issued strong statements condemning the bombing. Sheriff Holt McDowell offered aid of his deputies in the investigation.

Meanwhile, Dr. J. A. Boykin was expected to return from Eufaula to decide, with his schoolteacher-wife, whether to repair damage to the $11,000 brick residence-office, which was shattered by three violent explosions Thursday night.

The home was located at 524 12th Terrace, North. The dentist's wife said the damage was covered by insurance.

COMMISSIONER CONNOR issued this statement:

"The bombing of a house in Birmingham yesterday was a most regrettable thing. As I understand the facts, this house was built within the area set aside by law for Negroes.

"These Negroes were complying with the law and exercising their rights. They must be protected and I pledge the utmost efforts of the Police Department of the city of Birmingham to run down the lawless element which has perpetrated this crime."

CHIEF EDDENS said the Police Department is determined that this wave of bombings will be ended.

"Extensive investigations have been made in the other bombing outrages," Chief Eddins said.

"We regret that we have not been able to solve them. But we assure the citizens of Birmingham that their property rights will be protected and this kind of outrage will be ended."

Four detectives have been assigned to investigate the case. They are Carl Neill, W. E. Coleman, J. R. Davis and J. W. Henson.

"I Still Believe"

FROM THE BIRMINGHAM WORLD

On December 13, 1949 U. S. Judge Clarence Mullins blotted out Birmingham's racial zoning laws with a magnificent opinion. His ruling was in line with a long series of decisions by state and federal courts. Judge Mullins delivered a father-like companion or side opinion in which he appealed to the best in man for domestic peace and community goodwill.

Prior to his lucid decision, the home of the Rev. Milton Curry, located in the bomb-scarred Smithfield area, had been dynamited the night of October 13. Then, the past April 13, the $11,000 office-residence home of Dr. J. A. Boykins was bombed on Enon Ridge.

Eight racial bombings have occurred in Birmingham the past three years without a single plausible clue. One man was arrested for questioning in connection with the crime and later turned loose. Little seems to be going on to clear up these intolerable crimes against humanity.

There aren't many good communities in Birmingham where a Negro can build a decent home. Those who would build for Negroes improved houses for ownership or rent find it hard to get areas approved for such dwellings. Negroes are bottled up in bad communities; bombed when they seek to construct decent homes and blocked by unfriendly municipal action when others try to ease the housing situation.

It is an understanding of these problems, together with the undemocratic spirit of a small but unrepresentative group, which sharpens the words Mr. Joel Boykins, Jr. wrote to his father:

"Rebuild ____ (our home) ____ if you have not lost your courage." He wrote out of heart chocked full of promise of a protecting democracy. For he knew that in the foxholes of Saipan he had fought to preserve this democracy. He had dodged sniper's bullets "trying to help make things comfortable and safe for the folks back home and perhaps for those who were implicated in doing us damage, or on the other hand felt themselves too good to live near me."

He wrote more:

"I have looked forward and sacrificed too much. If I stood it at Saipan, I surely would be less a soldier to shirk my duty at home, especially when all local requirements have been satisfied."

The son's father then decided "to again make the sacrifice, whatever it may cost me." The truth of it is that when one's rights are sacrificed in a democracy it adds tragedy and death to that form of government in the long run, if continued.

Young Mr. Boykins with the idealism and optimism of youth come to grip with the rough realities of life, reflected with aching irony:

"I still believe if enough of the square-thinking whites and blacks will stick together and decide, we are going to make our home place the most harmonious community of our section. We can do so, in spite of all of the outside influence to the contrary."

We must not let this fight for a peaceful community cease until the violent men responsible for all eight bombings are brought to bar. Let there be renewed and continuous action of every lawful description and on every level of law enforcement until this disgrace is cleared up.

Alabama Real Estate Group Urges Racial Bar Enforcement

BIRMINGHAM, ALA., May 18, (AP)—The Alabama Real Estate Association Thursday urged strict voluntary enforcement of racial restrictions on residential property.

The association sent letters to real estate dealers asking their utmost cooperation in keeping down friction between Negroes and whites over residential property matters.

An organization of white Birmingham property owners had asked the association to penalize real estate men who sold property in white residential areas to Negroes.

The commission answered it could not do this but would request that the dealers cooperate in keeping down friction.

Thursday the association called attention of Alabama real estate men to a clause in the National Association of Real Estate Boards' code of ethics. The clause states:

"A realtor should never be instrumental in introducing into a neighborhood . . . members of any race or nationality, or any individuals whose presence will clearly be detrimental to property value in that neighborhood."

The letter added:

"We believe your cooperation in this matter will greatly increase the high standard to which the real estate profession is entitled and which we are sure each of you is striving at all times to attain."

The letter followed a meeting held by the commission at the request of the Graymont-College Hills Civic Association in Birmingham's Westside.

The commission was asked to assist in maintaining a dividing line between white and Negro areas in adjoining North Smithfield. Negro homes in the area have been bombed six times within the past 14 months, two of these during the past April.

Racial zoning laws here were declared unconstitutional by a district federal court order. No final decision has been rendered on an appeal to the U. S. Supreme Court.

The Birmingham Rally

AFTER SEVEN BOMBINGS of Negro homes in Birmingham, the upright white citizens in positions of leadership decided that if the law could not stop the terrorism, they would

The Birmingham Post, a daily newspaper, led off the rally of the good citizens by offering a $500 reward for information leading to the capture of the criminals.

On top of this, the Reverend John H. Buchanan stated that the white churches would take up special collections to aid the bombing victims. Governor Folsom told the state officials to get busy and it appears that some real action may be forthcoming soon.

It seems that Birmingham, like the rest of Dixie, includes plenty of decent whites who are getting tired of being maligned by the actions of groups of Negro haters who represent the worst element in the South.

$1,000 reward spurs search for dynamiters

The hunt for the North Center Street dynamiters was spurred Saturday with the offering of $1,000 in rewards for information leading to the arrest and conviction of those responsible.

Police have uncovered no clues thus far which would indicate the identity of the person or persons who left a package of dynamite beside a new four-bedroom home at 950 North Center Street Thursday night. The dynamite exploded, causing $8,000 damage to the home. Six persons inside narrowly escaped serious injury.

Detective Capt. Jeremiah Pierce said his men have found no trace of any auto leaving the area at the time of the blast. He said detectives were inclined to believe that some one or more persons crept up to the home of Mary Means Monk and her husband, Monroe, left the explosive and fled on foot.

* * *

THE MONKS, Negroes, were parties to a suit filed a year ago to outlaw Birmingham's zoning ordinance. The bomb came only a day after the U. S. Court of Appeals had ruled on the Monks' suit, holding the city zoning law was unconstitutional.

Capt. Pierce said Detectives J. W. Henson and J. R. Davis have been instructed to work fulltime on the bombing.

The Birmingham Post-Herald offered a reward of $500 and an anonymous citizen, who said he was outraged by the bombing, offered an additional $500.

B'ham Negro To Rebuild Dynamited Home

BIRMINGHAM, ALA., May 1—(AP) — Encouraged by an ex-GI son, a middle-aged Negro dentist decided Monday to rebuild his dynamited dream home, "whatever it may cost."

Dr. J. A. Boykin, 56, issued a statement while state, county and city officers were investigating a new outbreak of bomb violence against Negro residences.

Six homes have been dynamited in the past 14 months. Five were in the North Smithfield district. The bombings started when Negro families began moving into an area previously zoned for white occupancy.

Dr. Boykin's nearly complete office-residence was on the corner of a Negro block facing three white residences. It was on property zoned for Negro occupancy last Nov. 3. The $11,000 structure was wrecked by an explosion April 13.

Boykin said Detective Captain Charles L. Pierce had assured him of "reasonable protection" by the Birmingham police department, and Negro neighbors had asked him to rebuild.

"Coupled with the fact that the structure was the answer to the dream of my wife and myself, as a home and dental office, I have decided to again make the sacrifice, whatever it may cost me," he said. He now spends several days a week out of town doing dental practice for a mine.

"I still love Birmingham (my home) and I still believe, if enough of the square thinking whites and blacks will stick together and decide, we are going to make our home place the most harmonious community in our section.

"We can do so, in spite of all outside and inside influence to the contrary. I have no ill will, or spirit of revenge for those who did me damage, and if it is all right with all concerned, I pass them up to the will of the Almighty."

His son, Joel S. Boykin, a Union Springs, Ala., teacher, urged his father in a letter to rebuild, "if you have not lost courage."

The son is a veteran of the World War II Pacific Theater, where he served on Saipan.

"If I stood it at Saipan, I sure would be less than a soldier to shirk my duty at home, especially when all local requirements have been satisfied," he wrote.

The residence was built with an FHA loan and was insured. The dentist said he would ask the insurance company to reconstruct the building.

Act In Birmingham After Angry Protests

BIRMINGHAM—Citizens, white and Negro, outraged at the seventh of a series of bombings of Negroes' homes, made so much noise here last week that city and county officials began an all-out investigation of the incident.

The probe will be spurred by a $500 reward which has been offered by the Birmingham Post for information leading to the capture of the terrorists.

It all began when an angry white pastor said that Federal help should be requested, if necessary, to help catch the criminals responsible for the dynamite attacks.

The pastor, Dr. John H. Buchanan, also stated that the white churches of the community would probably take up special collections to aid the latest bombing victim, Rev. B. W. Henderson.

Rev. Henderson's home was bombed two weeks ago. The bombing occurred just as the others, at night, the dynamite being thrown from moving autos into open windows.

All the bombings took place on the same street, the borderline white and Negro sections.

State officers, ordered into the case by Gov. Jim Folsom, continued working on the bombings. They entered the case almost a month ago when the home of Dr. J. A. Boykin, a dentist, was bombed.

The Birmingham FBI office notified bureau headquarters in Washington after the bombing of Rev Henderson's home. The special agent in charge here, George King, said Washington officials were informed "so that the Attorney General could be apprised."

Dr. Buchanan is pastor of a large Baptist church and an official of the Citizens' Committee of 500.

The committee was organized last year after an outbreak of floggings and cross burnings by hooded bands.

Meanwhile, police were investigating the seven bombings that have gone unsolved since the first occurred 13 months ago.

Negro dentist keeps up construction of disputed area home

A Negro dentist went ahead today with construction of his dynamited home, hoping to live peacefully with white neighbors. There was a cautious note, however, as an armed watchman and police kept surveillance on the home.

The nearly completed residence-office of Dr. Joel A. Boykin and his school teacher wife at 524 North 12th Street, was bombed last April during an outburst of violence against Negro homes in areas formerly zoned for white occupancy. No arrests were made in the case.

Dr. Boykin said he hoped "square thinking whites and blacks" would stick together and help bring harmony to the troubled section which borders on North Smithfield, scene of a half dozen dynamitings.

The dentist hired an armed watchman to guard the construction which is floodlighted at night. He said Police Chief Floyd Eddins has promised protection.

The dynamiting caused about $5,000 damage to the structure, which was being built with an FHA loan. The loss was covered by insurance.

Other Papers Say

Birmingham Daily Raps Police Inactivity In Home Bombings

(From Birmingham Age-Herald)

ANOTHER bombing of a Negro's home occurred in Birmingham Saturday night. It is a home which was much in the news several months ago, for it was then just across the street from an area zoned by city ordinance for Negroes. After Negroes bought the house and moved into it, an attempt was made to bomb this particular house and the one next door. Fortunately that first attempt was unsuccessful. Nevertheless, the fact that it was made indicates a type of vicious mentality at large.

Since the area in question became debatable ground, on order by a federal court has declared unconstitutional city ordinances based on racial lines.

The house bombed Saturday night was the sixth house to be blasted. Only 10 days previously a combination home-office building had been bombed. This structure was in an area previously zoned wholly for Negroes. The matter of expanding outside the area once zoned only for Negro occupation was not involved at all in that case.

The fact stands that in 13 months Birmingham's police have not made a single arrest in any of these bombing cases. That record is not good.

It is heartening to see growing evidences that decent citizens will no longer put up with any sort of temporizing in the matter. The news is that four city detectives are now investigating. The state has also sent special workers to check the case. The county has cooperated. The Birmingham FBI office has notified bureau headquarters in Washington "so the attorney general could be apprised."

Meanwhile in Birmingham a prominent clergyman—a member of the Citizens Committee of 500 formed last Spring to fight hooded violence in the district—has urged federal help, if necessary, to catch the criminals. That minister is Dr. John H. Buchanan, prominent Baptist.

Dr. Buchanan said: "I think it's time for the right-thinking citizenship of Birmingham to begin to mobilize sentiment again behind the forces of decency and law and order, to bring justice to these irresponsible criminals. . . . If the local police authorities are not able to find the violators, they should call upon the state forces and if necessary the federal forces to apprehend these law violators."

B'ham Negro To Rebuild Shattered Dream Home

BIRMINGHAM, ALA., July 5 — (AP) — A middle-aged Negro dentist Wednesday announced he was rebuilding his dynamited dream home, under protection of an armed watchman and police.

The nearly-complete residence-office was wrecked last April. Facing three white residences, it was on a corner of a block zoned for Negro occupancy five months previously.

Dr. J. A. Boykin, 56, said Police Chief Floyd Eddins had promised that patrolman assigned to the area would keep watch over the construction.

The dentist said he had hired a watchman, and installed flood lights around the building. It is to be completed around the middle of next month.

Rebuilding Starts Under Armed Guard

Dentist Hopes For Peaceful Relations With Nearby Whites

BIRMINGHAM, Ala. — (INS) — A Birmingham colored dentist began rebuilding his dynamited residence Thursday under the watchful eyes of an armed guard and police.

The nearby completed residence-office building of Dr. Joel A. Boykin and his school teacher wife was blasted last April in an outburst of violence against Negro homes in areas formerly zoned for white people.

Boykin said he hopes "square thinking whites and blacks" will stick together to bring harmony to the troubled residential section of North Smithfield, scene of half dozen similar dynamite blastings.

* * * *

THE DENTIST HIRED an armed watchman to guard the construction which is floodlighted at night. Boykin said Police Chief Floyd Eddins promised police protection.

The Boykins were encouraged to resume construction by an ex-GI son who served in the Pacific during World War II.

Minister's Home Burned by Racists in Sixth Try

Fire Department Ignores Call for Help; Hydrant Only 4 Blocks Away From Scene

BIRMINGHAM, Ala.—(ANP)—The two-story home of the Rev. Robert Turner, located outside the city limits, was burned last week along with $3,000 worth of furniture in the sixth attempt by arsonists to do so.

The city fire department did not answer the call for help although the home is just four blocks from a fire hydrant.

Firemen's Alibi

Fire officials said no one offered to post a $100 guarantee required by law before the city can send fire equipment outside on a call.

It was after that the fire department was told that the minister would be willing to put up the guarantee.

The Rev. Mr. Turner said the fire started in the evening while he was sitting in the living room. "Your house is on fire."

Refuses to Name Suspects

Police and the sheriff's deputies have been investigating five other attempts to burn his home during recent weeks.

In each instance, burned rags and newspapers were discovered under his house.

He said he suspected who the culprits were but refused to name them or give a reason why arson was attempted.

Bomb Blasts Negro Home In White Residential Zone

BIRMINGHAM — (AP) — A long-standing dispute over moving of Negroes into an area once zoned only for whites Friday had resulted in bombing of another Negro home.

The new $18,000 brick house was occupied by a Negro woman, Mary Means Monk, who had led a court fight against a city law confining Negroes to certain residential areas.

The U. S. Circuit Court of Appeals only Wednesday denied an appeal by the city of a previous federal court ruling that the zoning law was unconstitutional.

The heavy explosion was set off shortly before midnight. The six occupants narrowly escaped injury. They said their only warning was a dull thud a split second before the blast, heard over a radius of several miles.

The bomb apparently was placed or thrown on a screen porch. It blasted the porch to bits and blew out the wall of a bedroom from which an occupant had leaped a second before.

Scarcely a room of the four-bedroom home escaped damage. The cracked walls and ceilings showered plaster and pieces of timber over the frightened Negroes. A hole five feet long and two feet wide was blown in the living room wall about 20 feet from the porch.

The contractor who completed the house only a month ago estimated damage tentatively at about $8,000.

It was the fifth bombing of a Negro house since the spring of 1949. Three were blasted then, and another last April. No arrests have been made in any of those cases.

All the bombed houses are in the Smithfield section of Birmingham's westside. The area adjoins a large Negro housing project. Negroes have been gradually encroaching into the white section there despite a previous zoning law barring them from the area. This was the law which subsequently was held unconstitutional.

The Monks home is within two blocks of the other five bombed places. It is 50 yards from a white residence.

Police officers said they had no clues as to identity of the bombers. Acting Police Chief E. H. Brown, who directed a score of detectives and uniformed officers at the scene, said experts had not determined immediately what kind of explosive was used.

Mary Monks, whose bedroom sustained the main damage, said she was just preparing to go to bed when she heard the thud when the bomb was placed on the porch. she had heard no automobile previously.

"I had just pulled the blinds and was preparing to retire when I heard the sound," she said. She darted into a hall just as the explosion folded a section of wall into the room like a leaf of a book. Heavy chunks of plaster crashed on the bed and floor.

Others in the house were C. W. Askew, his wife, Eleanor, their sons, Allen, 4, and Charles, 13, and the Monks' son, William, 31.

A big piece of plaster was torn from the ceiling of the room in which the Askew children were sleeping. The plaster covered their bed but neither was injured.

ruling which Wednesday banned the drawing of racial lines in residential districts.

The bedroom in Mrs. Monk's new $18,500 home was destroyed and several other rooms were badly damaged late Thursday when a bomb was tossed in the bedroom window and exploded.

However, Mrs. Monk and her family indicated they would continue to live in their home.

She said the family, all of whom escaped injury, probably will have to move out while repairs are made at an estimated cost of $8,000.

Negro Family To Remain in Bombed Home

BIRMINGHAM, Ala., Dec. 22—(U.P.)—Birmingham police were alerted for a possible wave of anti-Negro violence here Friday, as a bombed-out Negro family indicated its determination to return to its home on the border dividing white and Negro residential districts.

The bomb which exploded in the home of Mrs. Mary Means Monk—and the possibility of recurring violence—followed by less than 36 hours a Federal Court

JAMES E. STRATTEN
Executive Director
Booker T. Washington Community Service Center who was appointed by Mayor Elmer E. Robinson during the past week as a member of the Redevelopment Agency, following the resignation of Dr. Herbert B. Henderson. Mr. Stratten was already a member of the Mayor's Human Relations Committee.

Dr. Henderson, Foe of Housing Bias, Asked To Resign Redevelopment Agency; James Stratten Appointed

Dr. Herbert B. Henderson, 2085 Sutter St., strong foe of discrimination in housing, was asked to resign by Mayor Elmer Robinson, last week. Robinson said Henderson had attended only 7 out of 20 meetings since his appointment Sept. 3, 1948. Henderson's term would have expired Sept. 3, 1952.

It was learned, however, that two other members of the Agency had missed 7 and 10 meetings out of 20, but there was no indication that Mayor Robinson intended to ask for their resignation.

However, Mayor Robinson appointed another Negro in place of Dr. Henderson, in the person of James Stratten, executive director of the Booker T. Washington Community Service, 2031 Bush St. Stratten was appointed Jan. 20.

In asking for Dr. Henderson's resignation, Mayor Robinson was supported by Morgan Gunst, Agency chairman. Gunst said the Agency has now reached a stage where many important decisions must be made and it is necessary to have all members present at meetings.

Last year Dr. Henderson recommended to the Board of Supervisors a policy of non-discrimination in housing redevelopment but was voted down four to one. Later, however, the Board of Supervisors passed a resolution which in effect upheld Dr. Henderson's position.

In his letter of resignation, Henderson told the Mayor, there were "other reasons" for his ouster, and accused the Mayor of "not once raising your voice" on the issues of discrimination.

"Your silence in this respect provides a great contrast to your concern over the Agency, such as its personnel and the attendance of its members," Dr. Henderson said.

Just before Dr. Henderson's resignation, the issue of segregation in housing was sharply debated. The Housing Authority went before the Board of Supervisors recently asking approval of funds from the Federal government to construct 3,000 new low-rent housing units. The Board gave its approval but included a non-discrimination clause in its "cooperating agreement."

The Housing Authority, which had insisted upon maintaining segregation, refused to accept the Board decision—an unprecedented act—and allowed to pass the Dec. 15, 1949, deadline on the federal loan. (The deadline is reported to have been extended through January.)

DR. HERBERT B. HENDERSON, lone colored member of the San Francisco Redevelopment Agency, who was replaced by Mayor Elmer E. Robinson on the pretext that Henderson had not attended meetings regularly . . .

Instead, the Authority conducted a poll of 110 civic organizations on the question of non-segregated housing. Last Thursday, 25 replies had been received. The poll will be continued until January 31.

Opposing the Housing Authority's position was its lone colored member, Dr. William McKinley Thomas. At the January 19 meeting Dr. Thomas charged Authority Chairman E. N. Ayer with being "derelict in his duties" for failing to arrange a conference with Mayor Robinson on the discrimination two years ago.

The Authority's current poll was branded "distorted and dishonest" by Edward Howden, executive director of the Council for Civic Unity.

Howden said, "Minority groups, religious and labor organizations and social agencies which have expert knowledge on the meaning of this issue are not being polled. And we have specific evidence of distortion, withholding of facts and high-pressure tactics by Housing Authority representatives in conducting their so-called poll."

Suit devised to beat high court decision

A long-expected suit against a white couple who sold their westside property to Negroes was a reality this week as Mr. and Mrs. Marion M. Allen, of 3933 Sixth ave., also white, filed a suit for $185,000 in behalf of themselves and their neighbors, against Mr. and Mrs. Oscar C. Reichow, charging breach of contract.

The Reichows, who sold their home at 3913 Sixth ave. la t Dec. 7 to Mr. and Mrs. Preston M. Wilson, violated a restricted covenant in effect since Jan. 2, 1933, the suit sets forth, thereby "materially" depreciating the value of property in the area. The Wilsons are Negroes.

The suit, an obvious device to get around the 1947 Supreme Court decision outlawing restrictive covenants based on race, has been expected since last February when neighbors of the Wilsons formed a property owners association to raise funds to support such action.

Legal opinions conflict as to whether the Allens have a case, or not. Community lawyers have held that they have not, declaring that since the covenants have been outlawed by the supreme court, the Reichows cannot be held responsible for not abiding by one.

The suit sets forth that the Reichows, for $13,500, conveyed their home to Mr. and Mrs. Wilson "knowing of the restrictions against other than the white race . . . and knowing that the Wilsons were not going to occupy the property in the capacity of servants." Servants only were exempt from the clause limiting occupancy to Caucasians. Seventy-seven parcels of land are covered by the covenant, invoked in 1933 by Homes, Inc.

As a result of the Wilsons living in the Sixth avenue home, the surrounding property has become "less attractive as a residential area and as a place to raise and educate their child," the Allens set forth.

The premises had been secured by Freeman Whaley, of 916 E. Imperial. Discovery of the entry was made by Loy Paster, the minister, 1633 E. 115th st., who said nothing was taken.

Negroes In Bay Area Get Break On Insurance

Negroes who live in the San Francisco Bay area can now get public liability and property damage insurance at standard rates. The insurance brokerage firm of Foster & Louis Inc. of 1214 Franklin Street in Oakland, with offices in San Francisco, and Vallejo is now offering this type at standard rates regardless of race, creed or color.

Heretofore, Negroes have had to pay higher rates for this type of insurance from white insurance firms. It is indeed heartening to see someone make a step in the right direction and break down this undemocratic practice.

This firm also has the distinction of having one of the few Negroes employed on its staff. He is James A. Williams, serving as a full fledged insurance salesman.

Owners Braving Threats in Calif.

COLORED PEOPLE TAKE NOTICE!

THIS IS TO ADVISE YOU AND YOUR FRIENDS THAT IF YOU HAVE BOUGHT PROPERTY RESTRICTED AGAINST ANY OTHER THAN THE WHITE OR CAUCASIAN RACE, YOU DID NOT OBTAIN CLEAR TITLE TO THE PROPERTY.

RECENT COURT DECISIONS AND OPINIONS HANDED DOWN BY EMINENT ATTORNEYS REPORT THAT THE RACE RESTRICTIONS WERE NOT DECLARED ILLEGAL OR UNCONSTITUTIONAL. IF YOU DID NOT GET CLEAR TITLE, THE TRANSACTION WAS FRAUDULENT AND YOU MAY SUE THE SELLER AND THE BROKER FOR DAMAGES AND RETURN OF YOUR MONEY.

FURTHERMORE, WHEN YOU RESELL OR RENT THE PROPERTY, YOU MUST SELL OR RENT TO A MEMBER OF THE CAUCASIAN OR WHITE RACE OR YOURSELF BE HELD IN DAMAGES FOR VIOLATING THE RACE RESTRICTIONS.

A FRIEND OF THE COLORED PEOPLE

'A Real Pal'—"A friend of the colored people" in Los Angeles, Calif., has been passing out a little "friendly" information contained on handbills distributed in the Florence-Firestone Boulevard area of the city.

Big Fight Looms on Covenants

(Courier Los Angeles Bureau)

LOS ANGELES—A group of die-hard Nordic race-baiters have even stooped to misrepresent the Supreme Court's realty ruling in their undemocratic attempt to frighten Negro property owners from the Florence-Firestone Boulevard area.

The un-American organization, called the "Citizens United, Incorporated," has been tacking up nefarious handbills on the fences of Negro property owners in fighting their vicious "lost cause" battle to keep colored citizens out of the neighborhood.

The handbills, which are maliciously untrue, state that the "segregation of races was upheld" by the Supreme Court and that Negroes who have bought property in the area "did not obtain clear title to the property."

Another said that a white property owner had been sued for damages because he violated "race restrictions" and sold to a Negro.

NOT FRIGHTENED

Several of the colored residents of the area told The Courier that they have not been intimidated in the least by the throwaways. One homeowner on East Seventy-first Place said that about five gallons of broken green glass bottles had been dumped in his yard, but that it hadn't bothered him a bit. He intends to stay where he bought.

Meanwhile the Florence Messenger, a weekly published in the area, carried the following announcement last week:

"Ladies: Citizens United, Inc., has announced a meeting Tuesday in the Women's Clubhouse, 1878 E. Seventy-first. Race Restrictions, Clouded Titles, and What Is Being Done About It" are topics of discussions."

The movement in the Florence area recalled an apparently similar futile attempt in the Liemert Park area of Los Angeles to keep Negro home-buyers out, which proved highly unsuccessful.

An organization called the "Neighborly Endeavor" group was allegedly behind the Liemert Park campaign.

Both cases are under investigation by the Los Angeles NAACP.

Town Drops Race Bid, Gets Homes

WASHINGTON — The city of Charlotte, N. C., last week gained 200 housing units on its ledger when it dropped racial designation from its request made to the federal Public Housing administration.

Charlotte failed to get federal approval for the project several weeks ago because it had designated the units for Negroes.

Help For A Victim

To the Editor:

I see that the Negro dentist whose home was dynamited is preparing to build again, and I feel that it would show a Christian spirit if the people of our town would chip in and help him. It would prove that we are friends and not enemies. Some would like to believe that because no one has been punished for the several such crimes that no one cares—and nobody is trying to find the criminals.

For my part I would like to give the first dollar on a fund for the new home and another to head a fund to be used as a reward for information that would lead to the arrest of the guilty parties. Somebody somewhere knows, and a little money might loosen their tongues. There is too much crime in Alabama and the punishment is too light.

MRS. A. J. OZANNE.

1115 South 26th Street.

REALTY RACIAL CURBS ARE DEALT NEW BLOW

WASHINGTON, Oct. 5 (UP)—Racial restrictions on real estate suffered a new blow today when the Federal District Court ruled that financial penalties in restrictive covenants could not be enforced in the courts.

Judge Alexander Holtzoff dismissed a $42,000 damage suit brought by neighbors of a white family who sold their home to Negroes.

He said a 1948 Supreme Court ruling that racial covenants were legal on a voluntary basis, but could not be enforced in the courts, was "broad enough to cover actions for damages."

The Supreme Court decision covered only court injunctions on sale of restricted property to minority groups.

Today's action came on a suit filed in behalf of six families against Mr. and Mrs. Edward R. Curtis of Woodmere, Md. The suit said the Curtis family broke a restrictive covenant in selling their home to Mr. and Mrs. William H. Hightower.

The neighboring families asked $5,000 damages each for alleged loss in value of their own property, and $2,000 each under a provision in the covenant calling for penalties for sale to Negroes.

Mr. Curtis said he tried unsuccessfully to find a white buyer for his home.

Judge Holtzoff said Washington courts "for a great many years" held covenants were enforcible, but under the Supreme Court decision it was "inescapable" that "any judicial action" must be withheld from the restrictive agreements.

Court Breaks Racial Bars In Real Estate

WASHINGTON, Oct. 5—(U.P.)—Federal Judge Alexander Holtzoff Thursday dismissed a $42,000 damage suit brought by neighbors against a white family which sold its home to Negroes.

The Federal District Court ruling dealt a new blow to racial restrictions on real estate. It held that financial penalties in restrictive covenants cannot be enforced in the courts.

Holtzoff said a 1948 Supreme Court ruling that racial covenants were legal on a voluntary basis, but could not be enforced in the courts, was "broad enough to cover actions for damages."

The Supreme Court decision covered only court injunctions on sale of restricted property to minority groups. Thursday's action came on a suit filed in behalf of six families against Mr. and Mrs. Edward R. Curtis, of Woodmore, Maryland.

Judge Holtzoff said Washington courts "for a great many years" held covenants were enforcible, but under the Supreme Court decision it was "inescapable" that "any judicial action" must be withheld from the restrictive agreements.

Can't Collect From Seller

High Court's Rulings Cited by D.C. Jurist

WASHINGTON, (NNPA) — Residential segregation in the District of Columbia was hit another blow Wednesday, Oct. 4, when Justice Alexander Holtzoff in District Court denied damages to six white property owners for breach of a racial restrictive covenant.

Judge Holtzoff ruled that damages cannot be collected from a home owner who sells his property in violation of such an agreement.

2 High Rulings Cited

The ruling was made in accordance with two 1948 decisions of the U.S. Supreme Court.

These decisions held that, while private restrictive agreements are not invalid, judicial enforcement of them is prohibited by the Civil Rights Act of 1866 and by the public policy of the United States.

Charges Pact Violated

Judge Holtzoff dismissed a $42,000 damage suit brought by six property owners in the 4000 block of Fifth St., N.W., against Mr. and Mrs. Edward R. Curtis, of Woodmere, Md.

The Curtises sold their home at 4004 Fifth St., N.W., to Mr. and Mrs. William H. Hightower, a colored couple, in April 14 last.

The plaintiffs charged that the sale of the property to the colored couple was a breach of a racial restrictive covenant entered into in 1946 and that, as a result of the sale, the sale value of their homes was reduced.

White persons were unwilling to buy in the neighborhood after the sale, the plaintiffs contended.

Area Pattern Changed

Through Harry W. Goldberg, attorney, Mr. and Mrs. Curtis replied that they had tried without success to sell to white persons.

They also asserted that the character of the neighborhood was changing, as evidenced by the fact that colored people were already living within one block of the property covered by the restrictive agreement.

John H. Connaughton former president of the Federation of Citizens Associations, and attorney for the plaintiffs, argued that no action was sought against the colored couple in possession of the property, but damages only were asked from the Curtises for breach of the agreement.

Court's Findings

Declaring that the decisions of the Supreme Court were controlling, Judge Holtzoff said:

"This is an action for damages for breach of a restrictive covenant not to sell real property to members of the colored race.

"While previously such covenants were regarded as valid and enforceable in the courts, the Supreme Court recently in two cases revised and overruled the prior rule of law applicable to these covenants.

"The Supreme Court held that such agreements are not invalid so long as their purposes are achieved by voluntary adherence to their terms.

Covenants Unconstitutional

"But the Supreme Court further held that the covenants are contrary to the Fourteenth and Fifteenth Amendments to the Constitution, and also, that it is contrary to public policy to aid in the enforcement of such covenants by judicial proceedings.

"It is true that the actions involved there were for injunctions but the ruling is broad enough to cover actions for damages as well.

"I construe the decisions to withhold judicial assistance in any manner on these covenants.

Appeal Studied

"In view of the circumstances and this line of reasoning which seems to be inescapable, the motion to dismiss will be granted."

Connaughton said he is considering an appeal in which he is supported by a recent decision of the Missouri Supreme Court.

Fire Marshal Orders Probe of 2 Blazes at Negroes' New Home

First Fire Extinguished By Neighbor; Family First of Race in Area

A home, newly bought by a colored family in a white neighborhood, caught fire twice last night and Fire Marshal Raymond C. Roberts today ordered a "thorough investigation."

Mr. Roberts described the fires as "suspicious."

The scene was a nine-room house at 716 Hamlin street N.E., owned by Samuel Davis, 48, a colored bricklayer.

A next-door neighbor, Jacques Brinkley, said today that he was returning home about 10 p.m. when he saw a fire on the open side porch of the house. He said he ran up on the porch and stamped it out. The burning material, he said, appeared to be a clothes line. He said he thought no one was at home and did not notify any one.

Calls Fire Department.

A short time later, he reported, he noticed a glare from the house. This time, he said, the fire was too big for him to handle alone and he called the Fire Department.

The fire burned the side and front of the house, scorched the inside wallpaper, damaged the front part of the roof and scorched furniture stored in the front room while the family was moving in.

The only occupant of the house at the time was Willie Macon, 30, a cousin of the owner who planned to live in the house with the Davis family and had moved in yesterday. Mr. and Mrs. Davis started moving in furniture last Tuesday but were not yet living in the house.

Awakened by Sound.

Mr. Macon said the roaring of the fire woke him and he ran some distance to a telephone to call the Fire Department. When he returned, he said, fire and police—summoned by Mr. Brinkley—were already on the scene. The Fire Department reported receiving the alarm at 10:44 p.m. and putting out the fire by 12:59 a.m.

The Davises were the first colored residents to move into the neighborhood, according to the neighbors. The nearest colored family is on the other side of the Baltimore and Ohio railroad tracks more than a block away.

Mr. Davis said he had paid $2,500 down on the house, which cost $13,950. He bought the house through a realty company, he said, after raising a question about the neighborhood and being assured by a salesman that "it was all right for us to come and live here."

The previous occupant of the house, according to neighbors, was Pvt. Stephen D. Beach, a motorcycle policeman attached to the Traffic Division.

Okla. Wins Anti-Negro Home Suit

WASHINGTON — (ANP) — Biased realtors in Oklahoma won a point in court here last week when the Supreme court gave approval to a court action which may herald the beginning of a new kind of anti-Negro housing agreement to replace the old restrictive covenants.

The nation's top court refused to review a case in which Negroes purchasing homes on a certain Oklahoma City street were denied their property. Instead an Oklahoma court cancelled the sales and issued orders against sales to Negroes.

The case involved an area in which owners had agreed not to sell their homes to Negroes but two did.

The Negro buyers appealed their action to federal courts, but each one declared that it had no jurisdiction to act. The Supreme court did not explain its stand at all.

What effect this will have on racial restrictive covenants in light of past Supreme court action contrary to this case can only be speculated.

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'SUSPICIOUS' BLAZE PROBED:

Fire Damages Home Bought in White Area

WASHINGTON

A nine-room house in the 700 block of Hamlin St., N.E., which was recently purchased by a colored family, was damaged by a "suspicious" fire shortly before midnight on Sunday.

There have been varying reports on the blaze. One newspaper reported that the fire "probably was set by an arsonnist," according to the Fire Marshall's office.

Another said Fire Marshal Raymond C. Roberts ordered a "thorough investigation," into the blaze and described the fire as "suspicious."

However, an AFRO-AMERICAN reporter who talked to a spokesman in the Fire Marshal's office on Monday was told, "there is nothing to the report of arson. An investigation is being made."

Reasons for Suspicion

Prior to this, reports from the Fire Marshal's office quoted firemen who responded to the blaze as saying that they found leaves piled against the sides of the shingled house; and a neighbor reported finding a piece of rope which had "apparently been soaked in kerosene" buried in the leaves.

The house, located at 716 Hamlin St., N.E., is in an all-white block. It is reported that the house was purchased recently by Samuel Davis, 48, of 4121 Jay St., N.E. The Davises had moved some of their furniture into the house, but it was still unoccupied by tenants except for Mr. Davis' cousin, William Macon, 30.

Mr. Davis, a bricklayer, is reported to have paid $2,500 down on the house, which cost $13,950. He made the purchase through a realty company which reportedly bought the house from Pvt. Stephen D. Beach, Metropolitan Police Department.

Agreement Cannot Be Enforced.

P'aintiffs Unable To Collect Damages In Court

WASHINGTON, D. C. — (NNPA)— Residential segregation in the District of Columbia was hit another blow last Wednesday when Justice Alexander Holtzoff in District Court denied damages to six white property owners for breach of a racial restrictive covenant.

Judge Holtzoff ruled that damages cannot be collected from a home owner who sells his property in violation of such an agreement.

The ruling was made in accordance with two 1948 decisions of the United States Supreme Court holding that, while private restrictive agreements are not invalid, judicial enforcement of them is prohibited by the Civil Rights Act of 1866 and by the public policy of the United States.

JUDGE HOLTZOFF dismissed a suit for damages of $42,000 brought by six property owners in the 4000 block of Fifth street northwest against Mr. and Mrs. Edward R. Curtis, of Woodmore, at 4004 Fifth street northwest to Mr. and Mrs. William H. Hightower, a colored couple, on Apr. 14.

The plaintiffs charged that the sale of the property to the colored couple was a breach of a racial restrictive covenant entered into in 1946 and that, as a result of the sale, the sale value of their homes was reduced. White persons were unwilling to buy in the neighborhood after the sale, the plaintiffs contended.

Through Attorney Harry W. Goldberg, Mr. and Mrs. Curtis replied that they had tried without success to sell to white persons. They also asserted that the character of the neighborhood was changing, as evidenced by the fact that within one block of the property covered by the restrictive agreement, colored persons were already residing.

* * *

JOHN H. CONNAUGHTON, former president of the Federation of Citizens and attorney for the plaintiffs, argued that no action was sought against the colored couple in possession of the property but damages only were asked from the Curtises for breach of the agreement.

Declaring that the decisions of the Supreme Court were controlling, Judge Holtzoff said:

"This is an action for damages for breach of a restrictive covenant not to sell real property to members of the colored race.

"While previously such covenants were regarded as valid and enforceable in the courts, the Supreme Court recently in two cases revised and overruled the prior rule of law applicable to these covenants. The Supreme Court held that such agreements are not invalid so long as their purposes are achieved by voluntary adherence to their terms.

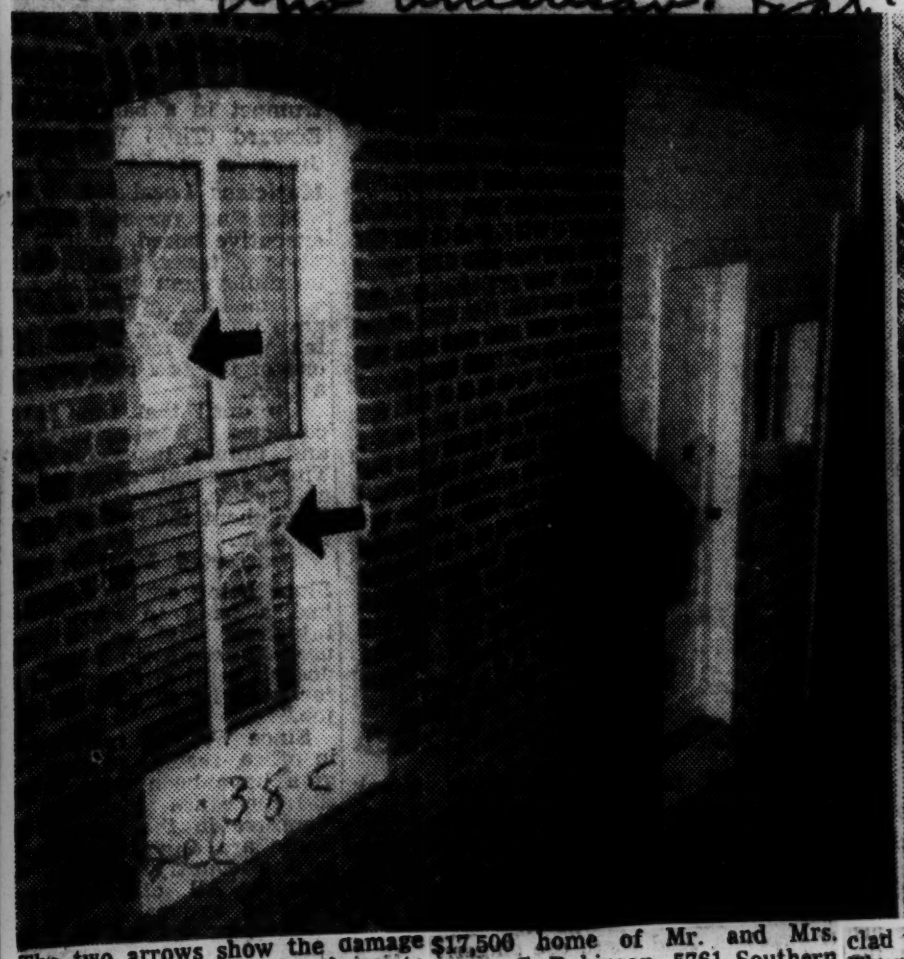
"But the Supreme Court further held that the covenants are contrary to the Fourteenth and Fifteenth Amendments to the Constitution and also that it is contrary to public policy to aid in the enforcement of such covenants by judicial proceedings.

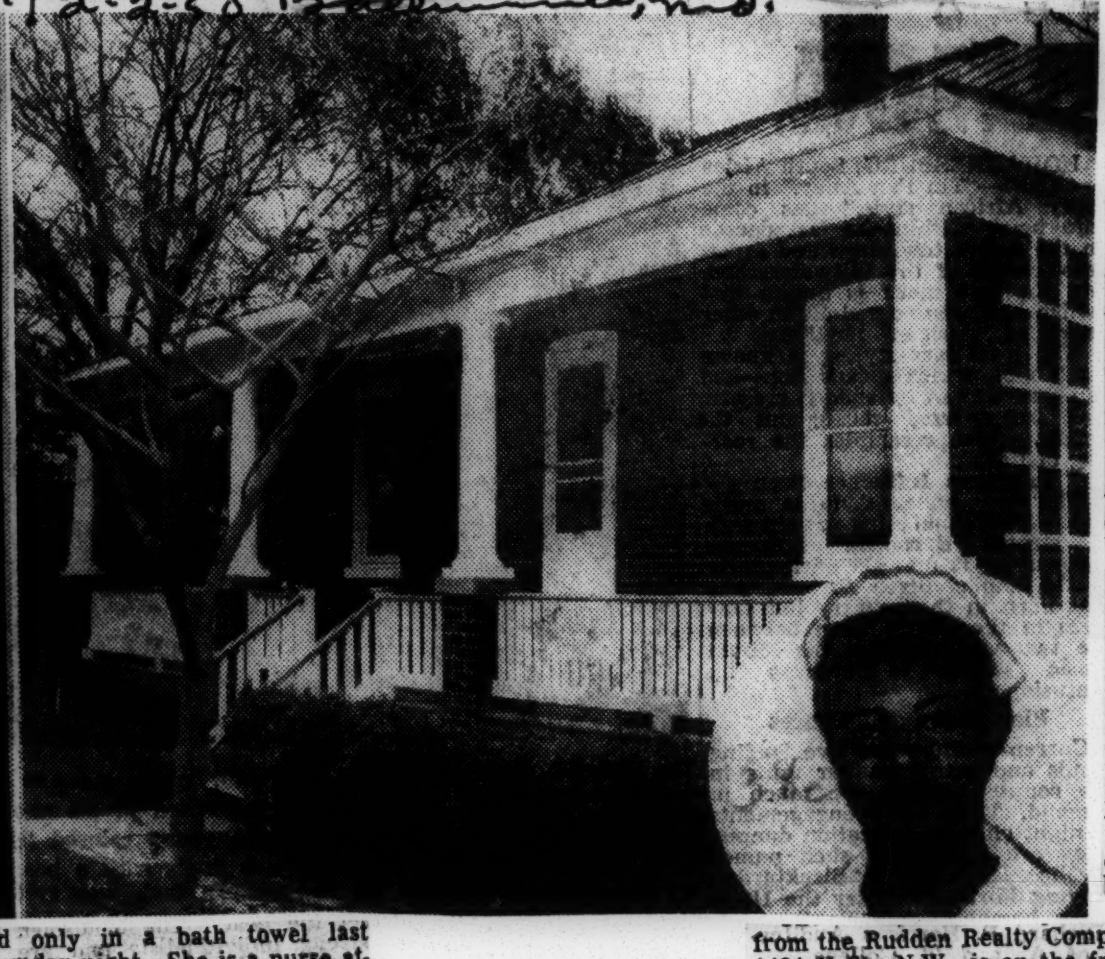
"It is true that the actions involved there were for injunctions, but the ruling is broad enough to cover actions for damages as well.

"I construe the decisions to withhold judicial assistance in any manner on these covenants. In view of the circumstances and this line of reasoning which seems to be inescapable, the motion to dismiss will be granted."

Connaughton said he is considering an appeal. He said he is supported by a recent decision of the Missouri Supreme Court.

This $17,000 House Was the Target of Stoning by White Hoodlums





The two arrows show the damage done by the white hoodlums to the window at the Johnson House. At right is the newly purchased $17,500 home of Mr. and Mrs. James C. Robinson, 5761 Southern Ave., S.E., Washington, from which Mrs. Johnson (inset) was chased

Hoodlums Resent Purchase of Home

Police Urge Victim of Mob, Ex-GI Mate to Move; Refuse Protection

WASHINGTON

A terrified 26-year-old housewife was frightened by a gang of white hoodlums who objected to her moving into a so-called "white neighborhood," last Thursday night and chased her from her newly purchased $17,500 home into the streets, while covered only with a bath towel.

Victim of this experience was Mrs. Gertrude Johnson of 5761 Southern Ave., S.E., who with her husband, James C. Johnson, 28, had just moved into the house the previous day.

Mr. Johnson was not at home when the disturbance occurred.

Windows Broken, Threats Yelled

Mrs. Johnson, who is employed as a nurse attendant at St. Elizabeth's Hospital, still visibly shaken by the ordeal, sobbed out the following story to the AFRO on Friday:

"It was around 8:30 last night (Thursday) when it all happened. My husband had just been gone about a half hour. I finished making up his bed and had gone in to take my bath when I heard noises.

"I heard glass breaking and stones hitting against the wall and floor. Then I heard angry voices yelling 'You n..... b..... come out, we know you're in there. We're coming in to git you.'

"About this time I heard them trying to break in the door. I grabbed a large towel and wrapped it around me and then ran from the house through a door on the opposite side of the house from where they were.

"A passing motorist heard my shouts for help and stopped and put me in his car. He and his wife drove me to my mother-in-law's house at 5412 E St., S.E.

Mob Entered House

"As I ran from the house I saw 10 or more white men and teenagers, armed with clubs and rocks. They entered the house but had gone when I returned later with relatives. They apparently removed the stones because only one small one was in the living room when we returned."

Mrs. Johnson displayed a small stone that had apparently been overlooked by the thugs in their haste to get away before aid could be rallied by the defenseless woman.

The stones had been thrown through a front room window. Their course was apparently in the direction where those who threw them thought she may have been. The rear door was badly marked where they had been forcing it in.

Police Advise Moving

When police, from both Maryland and Washington arrived on the scene, they told Miss Johnson that the best thing she could do would be to move, the young housewife said.

She quoted the police as saying that she may not be so lucky the next time, because they may set a bomb under the house or set it on fire. They said that they could not give her any protection, she said.

An AFRO reporter observed that two windows in the house were broken and the freshly painted rear door was damaged.

Protection Denied

The house, which was purchased from the Rudden Realty Company, 1424 K St., N.W., is on the fringe of the Washington and Maryland line, a circumstance which has caused Mrs. Johnson much difficulty in getting protection from possible future trouble.

On Friday, an officer identified only as Officer Black at No. 14 Precinct, said that no report of the incident had been made at the precinct; and Prince George's County police in Maryland said that District police were handling the case.

"We picked up a call on our radio receiver," the Maryland officer said, "that a woman was running down the road nude."

At District police headquarters, Inspector Walter Storm, Friday, said that there was no report of the incident.

Change Story Next Day

However, when talked to by the AFRO on Saturday, Capt. Paul L. Barnes, No. 14 Precinct, said one of his men responded to a call at the Southern Ave. address, but turned the case over to Maryland police after discovering that the Johnson home comes under Maryland jurisdiction.

"The report wouldn't be on our books," he said.

Then Patrolman Charles H. Nalley, Marlboro police, verified Mrs. Johnson's report of her being stoned from her home, buf explained that he was unable to grant her request to station a man at her home all night because of his small force.

Force's Limitations Cited

"I had only three men on duty that night," he stated.

However, he said he advised Mrs. Johnson that if there were any further developments all she had to do was call and he would dispatch a policeman to her home immediately.

Patrolman Nalley said the Marlboro police force consists of only 40 men, including the officers and privates, and they have to cover an area of approximately 482 square miles, which consists of a population of some 200,000.

Realty Officials Surprised

A spokesman for the Rudden Realty Company expressed great surprise when he learned of the incident through the AFRO.

In substantiating Mrs. Johnson's report that she and her husband had purchased the home from them, the spokesman said "They have a right to live any place they please. They are very nice people."

The Johnsons are the first colored family to move into the neighborhood. Just across the street from them, nouses are being constructed for veterans. They purchased the large two-story house, so that they can open up a "first-class nursery" in the near future.

Police Attitude Rapped

The Johnsons, a progressive young couple, expressed both surprise and regret that the police would take such an indifferent attitude in giving them protection in their own home.

"If this had happened to a white housewife in a colored neighborhood," declared Mrs. Johnson, "the police would have rounded up every other colored person, loaded them into patrol wagons an questioned them for hours."

No arrests have been made and no attempts are being made to apprehend the criminals, she added.

Mrs. Johnson is a native of Leonardtown, Md. She was salutatorian of her high school graduating class and a graduate of the National School of Practical Nursing.

Her husband is a World War II veteran. The Johnsons have been married six years.

Suit Attacks Race Covenant

A suit aimed at a racial covenant in an Arlington development has been filed in Arlington Circuit Court.

Suit was brought by Sol Adelman and his wife, Mrs. Dorothy K. Adelman, both of 629 N. Illinois st., Arlington.

They ask that the developers, Mr. and Mrs. Fred G. Behm of 212 S. Garfield st., Arlington, be instructed to permit the Adelmans to build on the lot they own in the Shirley Woods development, despite the covenant.

The covenant, which specifies the type and minimum cost of houses to be built in the development, also excludes from building "any person of the Semitic race, blood or origin."

In the suit, the Adelmans said their house plans had been approved by the developers, but that they were told they could not build because of the racial section of the covenant.

In an answer to the suit, Mr. and Mrs. Behm said they bought the property for development in 1944, subject to their abiding by the covenant restrictions. They said they were "not themselves antagonistic" to the Adelmans.

Alfred A. Hilton and Vincent Tramonte are attorneys for the Adelmans. Attorney Claude O. Thomas represents Mr. and Mrs. Behm.

HOUSING ISSUE CLARIFIED:

Jacksonville Projects Under State Control

JACKSONVILLE, Fla.—The Federal Government has no authority to demand segregation or non-segregation in Jacksonville's low-rent, public housing projects, city councilmen have learned.

The Housing Authority of Jacksonville under which low-rent, public housing projects are operated, i sa State corporation, set up under State laws, at the direction of the city of Jacksonville.

Three councilmen who went to Washington to confer with Public Housing Administration officials last week said, in a report to the Council, that they were told by John P. Broome, assistant PHA commissioner, that segregation is solely up to the local housing authority.

State Corporation

Ray O. Edwards, executive director of the authority, further clarified that statement with this:

"Local policy control by the Housing Authority of Jacksonville applies only to low-rent, nonprofit public housing projects.

"The Housing Authority is a State corporation, set up under State law, at the direction of the city of Jacksonville.

"This ruling does not apply to private units built with guarantees by the Federal Housing Administration, a Federal agency, whose local employees are Federal employees under Federal orders and control."

Has Local Authority

Fear that non-segregation for public housing here would be insisted on by the Federal Government is said to be one main factor in the minds of councilmen who are considering the public housing program.

President Truman said recently that Federal aid would be withheld from housing projects unless they set up a policy of non-segregation.

"This ruling does not apply to public housing here at all," Edwards said. "The Housing Authority of Jacksonville is purely a local agency, with authority to set its own rules and regulations," he concluded.

Negro Is Repaid For Burned Home

Florida Paper Raises $800; Night Riders Sought

ORLANDO, Fla., Oct. 23 (AP).—Eleven days after night riders burned the home of a twenty-eight-year-old Negro war veteran, North Floridians today completed raising a fund to make up his losses.

Samuel Perry's home was destroyed on Oct. 12 after, he reported, a band of white men set it afire. Volunteer donations, chiefly from white people, began pouring into the office of "The Orlando Sentinel-Star" the next day, and more than $800 has been raised to cover the uninsured part of the losses.

A reward of more than $500 also was offered to aid in detecting and convicting the arsonists.

Night-riders Burn Floridian's Home

ORLANDO, Fla.—A terror band of eight night-riders Wednesday night put the torch to a new Negro-owned home in Seminole County, near the Orange-Seminole County line. The residence was destroyed.

The house was owned by Samuel Perry, a fruit picker now living in Orlando.

WHITES PROTEST REZONING MOVE FOR NEGRO HOUSING

Over 200 irate white citizens packed a Fulton county courtroom Tuesday afternoon to protest a proposed rezoning of a tract fronting Pryor road and extending west to the projected Expressway as a residential area for an 800-unit Negro housing project.

Immediately after the hearing, however, Joseph C. Greenfield, chairman of the Fulton county planning commission, revealed that the commission would issue a ruling this week on the rezoning petition from Housing, Inc.

R. T. Thompson, Jr., housing secretary of the Atlanta Urban League, defended the proposed project by pointing out that the tract is surrounded by a predominantly Negro area, and that Negroes, because of congested city facilities, must seek locations in the county.

Several white speakers disagreed with Thompson at the meeting of the Joint Fulton County Planning and Zoning Appeals board.

A spokesman for the Lakewood Heights Improvement Association, said that the projected Negro housing unit was "being used as a wedge."

On the other hand Hugh Howell, attorney representing the petitioner, declared that "historically the property is one for Negroes." He said that Housing, Inc., will build a "high-class, highly-restricted Negro subdivision of two-story units which would be an asset to the city," adding that the units would rent for $40. $50 and $60 per month.

Howell informed the citizens from three southeast communities—Sylvan Hills, Capitol View and Lakewood Heights — that approval must be forthcoming before March, when the FHA has said that it will withhold federal funds if "segregated covenants" are involved.

Whereupon, Mike Rudin, representative of Lakewood Heights white citizens, demanded that the commission postpone decision "until the first of the month — so he can't get it approved.

Officials of Blair and Company, contractors for the proposed development, said that the project expressway represented "an impossible barrier," and that old Clark College on the east side of Pryor formed other boundaries.

Both Races Rap Negro Apartment

Both white and Negro residents of Grove Park community joined forces Tuesday to battle a rezoning application which they claimed would permit erection of 200 Negro efficiency apartments on former County property at Simpson Road and West Lake Avenue.

A racial dividing barrier once ran through the 43-acre tract by agreement of both white and Negro residents. It was termed the "green belt" when the County acquired it several years ago in a move to quiet developing housing friction between the races.

Labor Leader Jesse Walton, appearing at the Fulton Planning Commission hearing as spokesman for the Grove Park Civic League, feared a Negro apartment development would "revive irritable feelings between the races which will take years to overcome."

J. R. Henderson, Negro housing manager of the University Homes project, gave his opinion that "race riots would be inevitable if the tract or any part of it is used for Negro efficiency apartments."

The County Commission was criticized for selling the property to Fred B. Wilson, Atlanta real estate developer. Wilson and C. F. Williams filed application for rezoning from R-4 residential to A-1 apartment use.

W. H. Aiken, Negro building contractor, charged the property was sold July 5 for $26,500 without competitive bidding, adding he would have bid much more had he known it was to be sold. He offered publicly to give Wilson "a reasonable profit on his investment" if he desired to release the tract.

A spokesman for the applicants stated plans for the property were still in the formative stage. The Planning Commission withheld its decision pending submission of final plans.

Chairman J. C. Greenfield reminded those protesting that the Planning Commission could consider only the best uses for which the property is suited. His statement came as J. V. Sargent, a white resident, charged the County Commissioners sold the tract "without giving our Westside Development Corporation a chance to buy it back as they promised they would."

The property sold was authorized by Commissioners Jack Towns, I. Gloer Hailey and R. L. Doyal, Commission minutes show. Board Chairman James H. Aldredge and Commissioner Tom Camp opposed the sale on the basis that residents should be given consideration in its purchase. Aldredge pointed out the Commissioners had referred an earlier offer to County Manager A. E. Fuller for investigation.

Citizens Protest Property Rezoning

BY ROBERT E. JOHNSON

White and Negro property owners stood shoulder-to-shoulder yesterday in a crowded civil courtroom and urged the Fulton County Planning Commission and Board of Zoning Appeals to deny the petition for the rezoning of 43 acres of Simpson-West Lake land from residential to apartment use.

The property in question is a 43-acre tract, owned by Fred Wilson and C. F. Williams, two white businessmen. It is being considered for rezoning for the alleged purpose of constructing one-room efficiency units. The apartments reportedly would be rented to Negroes.

Jesse Walton, president of the AFL Transit Union, and several spokesmen for property owners appealed to Joseph Greenfield, chairman, and members of the planning committee to vote disapproval of the rezoning petition.

Greenfield, after hearing the protests, said the planning group would not pass on it (petition) until Wilson decides what he is going to put on the property." Wilson did not attend the hearing.

"We can't control who goes in there (tract of land) but will have to decide whether it will be rezoned for one-room efficiency units," Greenfield told the property owner.

W. H. "Chief" Aiken, prominent contractor and realtor, protesting the rezoning petition, said the proposal to build apartments on the tract of land would impair the progress of Negroes in trying to build up substantial neighborhoods.

"Eight years ago we established a beachhead on West Lake Avenue to expand Negro living space," Aiker declared. He said homes were built that sold for a minimum of $4,000 and a maximum exceeding $7,000 in an effort to build a substantial neighborhood.

He told the planning commission that efficiency units would attract, low income renters who, in all probability, would have large families. "High priced homes would attract a better group that would live in the area," Aiken said.

"Already we have enhanced Fulton County by $30,000 yearly in property and asked the commissioners for the property for our soldiers."

"Chief" Aiken dropped a small explosion when he charged "the cards seemed stacked against us." Greenfield was quick to reply that such was not the case. "Chief" Aiken then alleged the 43-acre tract "was bought cheap" and said he would have outbid Wilson. "I would purchase the property from Mr. Wilson," Aiken said, "and allow him a reasonable profit."

Walton, speaking for white property owners, said both Negroes and whites are to opposed the proposed construction of apartment units.

"The project will cause irritable feelings for a long number of years that neither race will live down," Walton said. He asked the group to deny the petition and "help keep things peaceful."

A white woman, Mrs. R. C. Humes said she was opposed to Negroes moving into the area adjacent to white families. "We don't want our children reared with Negroes," she told the group.

J. R. Henderson and Dr. P. Q. Yancey spoke for a neighborhood committee. Henderson, a housing manager, said "the greatest problem the Negro in the South has is the lack of control over his residential environment."

"If a member of the white group decides to put up a Beer Joint, Whisky Store, efficiency units, commonly known in the City of Atlanta as "Pigeon Holes," or a manufacturing plant the wishes of the Negro property owners are usually totally ignored," Henderson charged.

He said Negroes need a decent residential expansion area and referred to the property purchased by Wilson and Williams as "one of the few immediately available sites for decent single family residential use."

"The greatest expansion of Negro families is westward," Henderson said. "The 245 Negro veterans are bitterly disappointed by the action of Commissioners Hailey, Doyal and Towns in not giving them a fair chance to buy the 43 acre tract," Henderson told the group.

The planning group said it would notify spokesmen of its decision.

Drama, Humor, Pathos Mark Meetings Of Fulton County Planning Commission

By CELESTINE SIBLEY,
Constitution Staff Writer

The woman in the picture hat clenched her hands and worked her lips soundlessly.

The man next to her was talking quietly, persuasively. As the representative of a public utility he was forced to point out that if the neighborhood was to continue to have service, the company would be compelled to erect a substation on a vacant lot it owned. It would be a very attractive substation, prettily planted with grass and flowers.

"Humph!" snorted the lady, and six friends flanking her laughed mirthlessly.

The man's ears reddened slightly, but he finished talking and put some papers back in his brief case.

"Now let's hear from the opposition," suggested the chairman.

The lady in the picture hat sprang into action.

"Gentlemen," she began bravely, and she was swamped by the immensity of her own feelings. "How . . . how would **YOU** like to have this . . . this horrible, monstrosity in **YOUR** front yard? If you had invested $35,000 in your home, how would **YOU** like to never be able to sit on your terrace without looking at this . . . this **THING?**"

Her voice broke and murmurs of sympathy and of indignation swept over the little group standing beside her.

"Ah, gentlemen," she resumed after a moment, "think of our **HOMES!**"

The man with the brief case shifted his weight to his other foot and looked uncomfortable. The board rustled some blueprints and for a moment there was silence in the big courtroom.

Then board members began asking questions.

It was a regular, strictly usual meeting of the Fulton County Planning Commission and Board of Zoning Appeals—a drama of tears and laughter, of conflict and near fist fights which is on view, admission free, in Fulton county courthouse the first and third Tuesday of every month.

They Know How to Say "No"

For four years, ever since bulging Old Lady Fulton put on the girdle of zoning and adopted a diet called "planning," this semi-monthly show has been running.

The stars come from everywhere.

They are an aged woman who wants to put an apartment in her basement. She says it's for the caretaker. The neighbors, protesting, say she wants to rent it out. The planning board checks the address, notes that she lives in R-1, the most restricted residential section, and says a firm, polite "No."

A real estate man owning a strip of property in a rural settlement wants to get it zoned for commercial use. The neighbors, pointing to their homes, the nearby high school, scream lustily that such an action spells ruin.

A church group asks a use permit to construct a new edifice in a residential section.

"My husband and I cashed in our war bonds to buy a little place in the country," weeps a pretty young woman. "We can't, we just can't see it turned into a tacky old commercial street!"

A church group asks a use permit to construct a new church on the corner of a quiet residential street.

All Have Important Stake

"No!" yell the neighbors. "Churches are fine but they're noisy to live next door to. Bells ringing and folks singing and all that traffic!"

And so the meetings go. The principals are always folks who have an important stake in Fulton county—home owners, school patrons, real estate men, industrialists, businessmen. In there, too, listening, asking an occasional question, studying maps and voicing a quiet recommendation are the six members of the planning commission and zoning appeal boards. They, too, are people with such a love of their home county that they are willing to spend hours listening to the pleas at these semi-monthly meetings and more hours going to the site, inspecting and drafting their recommendations.

It must be love of country because the members of the board, all prominent businessmen, are paid only $20 a month, or $10 for each meeting they attend.

Sometimes they have to separate wrangling citizens. They always need a maximum of tact and patience.

Banker Is Board Chairman

Joseph C. Greenfield, the First National banker and present chairman of the board, sometimes gets a touch of asperity in his voice when two factions get in side arguments and forget the board entirely.

"Please, ladies and gentlemen," he begs, "let's stop the dialogue. Address your remarks to the board or we will never finish this case!"

Greenfield is chairman of the two groups. Dr. Allen D. Albert, head of the sociology department of Emory University, is acting chairman. Architect Henry C. Toombs and Sam R. Young, president of the Atlanta and West Point Railroad, serve on both the planning commission and the board of zoning appeals. Harold T. Patterson, of the Federal Reserve Bank, is the fifth member on the planning commission, and V. W. Curry, of Southern Bell, is the fifth member of the board of zoning appeals.

I. Gloer Hailey, of the Fulton County Board of Commissioners, is an ex-officio member of the boards, and attends all sessions because, in the final analysis, the recommendations of planners and zoners are of no effect until they have been adopted by the county commission.

Paul Van T. Hedden, a Chicago zoning-planning expert who came to Fulton county seven months ago, serves as planning administrator and secretary to the board of appeals.

Community planning is no new thing in the world. The Greeks worked at it years before the birth of Christ. But the first modern zoning and planning in this country started in New York in 1907. It had no real standing, however, until the United States Supreme Court upheld the village of Euclid, Ohio, in the restrictions it enforced against the Ambler Realty Company in 1926. A strip of land along the railroad track in Euclid had been zoned for residential use and the Ambler company bought it for industrial development and took the issue to Federal court on the ground it had ben deprived of due process.

Regulations Adopted in 1947

The Supreme Court decision hit a lick for community planning in this country that has been far-reaching in its effect.

Fulton county, sprawling and growing fast without any plan, saw the need for adopting some kind of plan in the 1930s, but the present zoning resolution, drafted by Courtland Gilbert, the firs planning administrator, was not adopted until 1947.

Since that time every inch of Fulton county with the exception of two areas marked "unclassified," is zoned for something or other. The unclassified areas are Fort McPherson and North Fulton Park.

The zones run from R-1, estate residential district and the highest restriction, to M-3, the lowest industrial restriction. In R-1 lots must be at least two acres in size and the house built must have 1,400 square feet if one story, 1,050 if two story. There are no minimum price requirements in the zoning regulations, but in estate areas most land deeds fix such a restriction.

Limitations of Classifications

Oddly enough, on one of these estates a home owner may raise pigs or chickens and embroider doilies for sale so long as neither pigs, chickens nor doilies are visible or smellable to the neighbors. But he cannot put a second kitchen in his basement or guest house for the use of his aged parents or his Aunt Minnie. The regulations plainly state "one-family dwellings only."

Other classifications include R-2, a limited residential district where lots must have at least 10,000 square feet and houses can be 1,200 square feet; R-3, a one-family residential section with lots not less than 9,000 square feet and houses may be as small as 1,000 square feet; R-4 an unlimited residential section where two-family dwellings may be built and houses and lots get smaller; R-5, agricultural residential districts, where allowance is made for farm dwellings and such rural enterprises as sawmills, quarries and freezer lockers. (Section 8, makes special provision for "rail road, bus, air or boat passenger stations" in North Fulton county, if anybody is interested.)

Board Members Understanding

Then follow apartment house districts, rural commercial districts, neighborhood commercial districts, heavy industrial districts, and a special services district.

A great many things are prohibited by law and many more require special use permits, including all schools and churches. But all regulations are slanted to promote health, safety, morals and the "general welfare of the people of the county."

And the board members are extremely understanding when the fireworks crackle at a meeting.

"After all," one member pointed out, "homes are closer to the hearts of people than anything else. When a man's home is threatened—or he thinks it is—you can't blame him for getting upset about it, can you?"

In the midst of emotional displays, a welter of statistics and engineering reports and some fine oratorical outpourings, it is up to the county's zoners and planners to try to chart the best course for the most people.

UNDER THE DOME

Realty Board Moves To Gird Segregation

By HOKE SMITH MAY

The Georgia Realty Board has established a policy protecting segregation of the races in sales of residential property, a spokesman pointed out late Wednesday after a group of Mozley Park white citizens asked the State to protect them from the encroachment of Negroes in this white residential section in Southwest Atlanta.

More than a year ago, the Board revoked the license of an Atlanta Negro real estate dealer who obtained property in white areas for Negroes.

About 100 property owners, headed by Arnold Kennedy, appealed to Gov. Talmadge for aid Wednesday. The Governor said the United States Supreme Court has held that restrictive covenants are not binding in property deeds. However, he renewed his pledge to keep segregation as long as he is Governor. He instructed Atty. Gen. Eugene Cook to investigate, and said he would present the matter to the Real Estate Board. Cook will meet with the group Friday.

Statement Questionable

Perry King, director of the State Highway Department's Post Road Division, branded as "questionable" a statement issued Wednesday by an official of the American Road Builders Association.

Lt. Gen. Eugene Reybold, executive vice president of ARBA, said Georgia's rural roads on the Federal Aid primary system "are nearly one-third again as ill-prepared to play their part in America's current war effort as they were in World War II."

Reybold placed deficiencies in Georgia's Federal Aid rural mileage for the last six years at $59,402,250.

King said the State could use a great deal more money for rural road improvement, but added that Reybold's statement concerning the roads' ability to carry a war load "would be a matter subject to question."

Mozley Park Moves To Keep Negroes Out

Nearly 150 members of the Mozley Park Home Owners' Protective Corp. went on record Thursday night "as opposing any move by Negroes to encroach upon the white residential area of Mozley Park."

Aroused by the recent sale of a white home on Mozley Place to a Negro, and "ever-increasing" attempts of Negroes to buy in the white area, Mozley Park residents pledged "a fight to the end" to stop the threat.

"Our aim is to keep Negroes from encroaching on our section," Joe Wallace, newly elected president of the group, said. "Their aim is to create a Little Harlem from Gordon Street to Bankhead Avenue and from Lee Street to Beechen Street. The Negroes want everything from Grove Park to Mozley Park."

Wallace claimed the Negroes had broken a promise made in the presence of Mayor Hartsfield and Negro leaders which established a mutual boundary line.

"At that time," Wallace said, "it was agreed that Negroes would stay on the east side of Chapel Street. But that promise has been broken and Negroes have even offered more than $100,000 in an effort to buy our Park Street Methodist Church."

'The Inevitable'

The Editors: It was with a sense of shame that I read Gov. Talmadge's statement on racial segregation in defiance of the Government of the United States. As a citizen of Georgia (which I presume is still in the Union), I become very tired of constantly having to make excuses for the naive and megalomaniacal behavior of the present Talmadge. He and his father can undoubtedly take credit for bringing more ridicule upon our State than any other two men.

The racial problem in Georgia and the South would have been solved long ago but for the ravings and race-baiting of leaders like Talmadge. It is time that the people of Georgia quit living in the past and wake up to the inevitable.

Regardless of all the shouting of pseudo-Christians such as Talmadge, we can expect to have mixed students in State universities all over the South, including Georgia, within two years at the longest. Look at the other States of the South—Maryland, Virginia, Kentucky, Texas, Arkansas, Oklahoma, Tennessee—where discrimination suits have been won by Negroes or voluntary action has been taken by the States. We here at the University of North Carolina expect to have Negro students in our graduate schools in the near future.

And Talmadge might be surprised there has been no rush by the parents to withdraw their children. It's really not revolutionary, but only part of the evolution of Christianity and democracy.

JACK W. HOPKINS.

Atlanta and Chapel Hill, N. C.

AMERICAN SOIL, ISN'T IT?

Housing Restrictions Vicious in Honolulu

Afro-American, Jnt 1-28-50

38c

HONOLULU (ANP)—Honolulu is strongly maintaining its restrictive residential agreements despite the famous decision handed down by the U.S. Supreme Court.

It uses lease holds to keep certain neighborhoods restricted to whites, who are less than a third of the total island population of around 520,000.

When the missionaries came here to save souls, they also grabbed land, either by marrying Hawaiian nobility or simply by robbing the natives. These holdings have been handed down to descendants with the stipulation that they were never to be sold.

In especially desirable sections, leasehold property may "sell" for as much as $2 per square feet. This means that the "purchaser" may have possession of the land for 30 to 50 years. In addition, he pays an annual rental of as much as $400 for a 15,000 square feet lot.

Can Lose Home He Built

He then builds a home. At the end of his lease, he may or may not get a renewal. Under some contracts, he owns the improvements—which means that he can move his house to another location.

But under other contracts, all improvements revert back to the owner of the land at the end of the lease.

However, usually the estate will appraise the house, sell it back to the owner at a new, higher annual rental.

Sometimes Money Talks

A few districts, notorious for their lily-white policies, have bowed to criticism and allowed a few Orientals and Hawaiians to live on the rear streets. In one area of fine homes, the deepening depression has forced out many whites and wealthy Chinese families have come in.

If a non-white wants to buy a home in Honolulu, his best bet is to obtain what is called fee simple property—in which title passes to the purchaser. Then he gets the full benefit of the Supreme court decision, for no attempt is made to restrict fee simple land.

Anyway you figure it, it's still white supremacy. But what else can you expect? Hawaii is yet a part of America, isn't it? .. .. ..

White Man Who Had Tan Guests May Lose Property

Loan Agency Sues to Collect $7,000 Mortgage; Bigotry Incited 3-Dav Riots

CHICAGO (ANP) — A Jewish labor leader, who invited colored people to his new home for a social evening last November, faces the loss of his property.

He is Aaron Bindman, on whose two-flat home the Colonial Savings and Loan Association holds a $7,000 mortgage which it asked the Superior Court to foreclose last week. The loan agency said 10 insurance companies had refused insurance or cancelled policies on the property.

A few hours after Bindman invited several colored members of the International Longshoreman's and Warehousemen's union to meet a labor guest from Hawaii, last fall, thousands of hysterical whites gathered in front of his house demanding that he order his guests out.

Bigots Incite Riots

Bindman had just moved into the predominantly Irish-Catholic community and it was rumored that the colored guests observed entering his home were going to buy it.

News spread that Bindman was an avowed Communist, and his life and that of his wife and William Sennett, co-owner of the house, and his wife and children were threatened.

Riots in which Jews and colored people were attacked followed for three successive days during which more than 37 persons were arrested and freed after court trials branded as "critical" and "biased" by civil rights leaders. Eleven of those freed were friends of Mr. Bindman.

Man with Negro guests denied home insurance

CHICAGO — The superior court here has been asked to require Aaron Bindman, Jewish labor leader, to pay off the $7,000 mortgage on his home or surender possession to a receiver, all because Bindman entertained Negro guests in his home.

As a result of having Negro guests, whom neighbors feared at first might be Negro prospects for the purchase of the home, 10 insurance companies have either refused to insure the property or cancelled policies on it, the Colonial Savings and Loan association, which holds the mortgage on the property and brought the action, charges.

The community, which rioted last November when Bindman entertained Negro members of the International Longshoremen's and Warehousemen's union, is largely Irish Catholic.

Girl, 12, Aids Mob

White Neighbors Resent New Tenants

CHICAGO — Six white persons were arrested during a race riot which followed the moving of two colored families into a white neighborhood on the South Side the nigh of W3dnesday, Aug. 16.

The disturbance was quelled by 200 policemen assigned to patrol the area. They used 44 vehicles to block off the area and restore order.

Five of the rioters arrested were charged with disorderly conduct and the sixth, a 12-year-old girl, was held for juvenile officials.

House Stoned

The mob threw bricks and bottles at the two-story brick apartment house at 7224 St. Lawrence Ave., bought by Mr. and Mrs. Leander Griffin from a white owner for $11,000, the price he paid for it four years ago.

The house, built in 1888, has five rooms on the first floor and six on the second.

The Griffins began moving into the building in which Mr. and Mrs. C. A. Winslow and their two small children also moved later in the day on Wednesday morning.

Neighbors Watch Moving

The work was handled by a colored-owned moving van guarded by two squad cars as white neighbors stood on their front porches, watching.

Residents in the neighborhood began congregating when informed that the Griffins had bought the house, and a police detail of 60 men was assigned to the area.

Arson Attempted

Police reported that attempts were made on Sunday night, Aug. 13, to set fire to buildings near the Griffins' home.

They said a small rubbish fire of unknown origin was put out in a garage at the rear of the home of Roscoe Johnson, colored, who lives at 7153 St. Lawrence Ave.

During the riot Wednesday night two blocks of the barricaded area were plunged into darkness by a short circuit in the street lighting system.

A dispatcher said he believes the blackout was not connected with the outbreak.

Old Tension Area

St. Lawrence Ave. has been the scene of similar riots occasionally for more than a year.

William Gremley, a member of the Mayor's Committee on Human Relations, said the new outburst "introduced a new tactic."

This, he pointed out, was the crowding of front, open porches across the street from the Griffins home.

Gremley said many porches were "packed with more than a dozen persons each" who defied police to order them inside, contending "this is private property."

Chicagoan Of The Year's House Target Of Vandals

DR. JULIAN'S HOME

The man voted Chicago's outstanding citizen of 1949, Dr. Percy Julian, hired armed guards, Thursday, to protect his home from vandals who soaked the walls with kerosene and hurled firebrands inside the basement, Thanksgiving eve.

Dr. Julian, developer of synthetic arthritis medicines and world renowned chemist recently purchased the 10-room home in the exclusive Oak Park section. He planned to move his family there in two weeks.

Despte the attempt to burn the home, the Julian's declared that they would not be run out.

"We refuse to be intimidated" his wife said defiantly. The arson attack wll probably delay their moving in, she admitted, adding, "But we are going through with it. We are not going to be intimidated by hoodlums."

Neighbor Gives Alarm

A friendly white neighbor gave the alarm that prevented the house from being burned down. Firemen summoned shortly after six o'clock found two kerosene soaked fuses burning in the basement.

The walls and ceilings in each room had been soaked with kerosene and gasoline. Apparently the vandals had forced a side door to get inside. Two men were seen leaving the scene in a dark sedan, but were unidentified.

DR. JULIAN

Mrs. Julian said an Oak Park resident called her at the home she now occupied in Maywood, Ill., near James C. "Big Jim" Martin, informing her that firemen were at the new house. That was her first notice of trouble.

Telephone Threat

Since August, when Spingarn Medal Winner Dr. Julian bought the home, he has been making extensive changes in the house and grounds. During that time, he received [illegible] call warning him not to move in, and the real estate dealer who sold it received several more. There had been no previous attempt at violence.

Oak Park is one of the city's most exclusive suburbs. One of the Julian's new neighbors will be Cook County State's Atty. John Boyle.

Dr. Julian is head of the soya division of the Glidden Paint Co., directing research in a variety of fields. One of his most important discoveries was a new way to

make cortisone, the miracle drug used for arthritis. He is also a trustee of Franklin Delano Roosevalt College in downtown Chicago. He is a native of Alabama.

It was Dr. Julian's work on cortisone that led to his being named "Chicagoan of the Year" in a city wide newspaper poll.

Julian Home Well Guarded

Attempted Arson Irks Good Citizens

CHICAGO (ANP)—The abortive attempt to destroy the recently purchased home of Dr. Percy Julian by fire has Oak Park police busily searching for clues to the arsonists and at the same time, keeping a weather eye peeled against any recurrence of the vandalism.

A 24-hour watch has been placed on the residence, with one radio car being detailed to circle the block during each watch and all other cars detailed to keep a sharp lookout for suspicious persons. In addition, two other policemen have been assigned to investigate the crime.

In the wake of the Nov. 22 attempt, quite a number of statements have been made deploring the vandalism. One Oak Park resident said:

"This is the sort of thing that makes people outside the United States wonder about our democracy. We want to spread it to every country in the world, but we cannot demonstrate it in this privileged community."

Arsonists Foiled By Alert Neighbor Of Noted Chemist

By TED COLEMAN
(Courier Staff Correspondent)

CHICAGO—Chicago's race-hate forces, determined to keep Negroes out of predominantly white neighborhoods, sprang into action again last Wednesday with an attack on the recently purchased $50,000 mansion of Dr. Percy Julian, internationally known research chemist, at 515 East Avenue, Oak Park, a suburb of Chicago.

DR. PERCY JULIAN
. . . strange noises

The property was saved from destruction by an alert neighbor, who phoned police when strange noises on the premises attracted her attention.

Police and firemen found an unexploded gasoline bomb on the porch and several rooms splashed with inflammable liquid to hasten the demolition.

Dr. Julian and his family reside at 151 South Fourteenth Avenue, Maywood, and were awaiting the completion of remodeling and landscaping before they moved in. They expected to occupy the place around Christmas, Mrs. Julian said, when contacted at her home following the arson attempt.

TWO BOMBS THROWN

There were two bombs tossed at the home the same night, according to police. A lighted kerosene bomb tossed on the concrete porch later also failed to explode. A strict watch has been ordered for the premises. So far, police found no clues to the persons responsible for the incident.

Dr. Julian could not be reached after the attack on his home.

Mrs. Julian said the only evidence of objection they were aware of was the attempt of a village official to hold up their water supply and one mysterious telephone call some time ago. They were compelled to take legal action to get results, she said.

The real estate agents who sold the property to Dr. Julian received several threats, it was learned.

The act against Dr. Julian is typical of a series of such moves by biased whites to intimidate Negroes moving into new areas.

Julians Overcome Hostile Neighbors

The news that Dr. Percy Julian, internationally known scientist, had purchased a home in Chicago's exclusive Oak Park district, caused a furore among the white residents last week.

In spite of the fact that Dr. Julian was voted 1949's "Chicagoan of the Year," he and his wife received threatening phone calls and other obstacles were thrown in their way. But the Julians stuck to their guns and reports now indicate that all will be quiet on the "Oak Park Front."

3 Whites Accused of Igniting Home

CHICAGO — (ANP) — Three whites were accused last week of setting fire to a colored home on the West side in a fruitless attempt to force the occupant to move out of a "white neighborhood."

Arrested and scheduled to face trial on May 18 were Gerald W. Smith, 40 Charles Byes, 53, and William Cooney, 54. They are charged with setting fire to a building owned by Quintus Lidell.

It is said that Smith was offered $50 to pour gasoline on the building to set it afire "to give the people some trouble." Damage to the building was an estimated $2,000.

Arsonists Try To Burn Home Of Ex-Alabama Negro Chemist

CHICAGO, Nov. 23—(AP)—Police of suburban Oak Park Thursday reported an attempt to burn a 15-room mansion recently purchased by Dr. Percy Julian, 51-year-old internationally known Negro research chemist.

They said the plot failed because gasoline splashed throughout the unoccupied mansion smothering gasoline fires resulting from aircraft and other types of accidents.

Dr. Julian and his family had not yet moved into the Oak Park home, at 515 N. East Ave., because it was being prepared for occupancy. For days workmen have been landscaping the extensive grounds and redecorating the interior of the 25-year-old mansion. At present the Julians' live in suburban Maywood.

Lt. Fremont Nester of the Oak Park police said the arsonists, believed to be two men, broke into the home Wednesday night. He said gasoline was splashed on floors and walls of all 15 rooms on the first floor.

Nester said the arsonists attempted to use long strips of gauze soaked in gasoline for fuses. When this failed to ignite, the officer said, the intruders returned to the house and hurled a kerosene torch through a porch window.

A neighbor heard the crash and saw two men enter an automobile and drive away. He summoned police and firemen who found the torch burning harmlessly on the concrete floor of the porch.

Police were assigned to guard the house against further attempts to burn it.

Dr. Julian now is director of research in the Soya Products Division of the Glidden Company of Chicago.

Our Opinions

Any Way You Turn You're Wrong

THE NEGRO citizen in search of a decent home in Chicago and in the many other big cities soon discovers that no matter which way he turns, he will find himself up a tree.

It is difficult to build, there is nothing to rent and he takes his life in his hands when he dares to buy. Every alternative is fraught with troubles which spring directly from the inability of many whites to concede that a Negro should have the right to live where he chooses, granting his ability to pay the freight.

The United States Supreme Court in its recent decision against restrictive covenants struck a magnificent blow to the white supremacists. At least it was made clear that the good right arm of the law always on our side. Unfortunately there are still many Americans who either have a different interpretation of the constitutional rights of Negroes or simply do not give a damn about the law.

Dr. Percy Julian, the distinguished scientist who was voted "the Chicagoan of the Year" in 1949 by a daily newspaper poll, is the most recent victim of the racist quicksand in the field of housing. The hoodlums who sought to burn down his mansion in Oak Park and those who telephoned threats have finally made it necessary to place a twenty-four hour guard at Dr. Julian's new home.

The experience of this honored scientist illustrates the basic plight of the Negro citizen in our big cities. We are happy that Dr. Julian is determined to occupy his home and that many of his white neighbors have expressed their support for him. We hope that whites of goodwill will prevail against the hate-mongers who have managed to disgrace Oak Park and Chicago.

Julian Pays $40 Per Day Protection

CHICAGO—It is costing Dr. Percy Julian, noted research chemist, $40 a day to protect a new home in the community of Oak Park which has been threatened by bigoted arsonists and vandals. This represents the cost of private guards which the Julians have been forced to hire.

38c 1950

Jefferson Military College, Natchez, Miss.

Jefferson College Filled

NATCHEZ, Miss., Feb. 7 (UP).—Jefferson Military College, which rejected a $50,000,000 endowment offer last fall, will open in September with a capacity enrollment. Trustees said yesterday a fund-raising drive put it back on its financial feet. The trustees rejected a $50,000,000 "gift" from George Armstrong, oil operator, because ti specified that Jefferson must teach white supremacy.

V. A. Here Doesn't Guarantee Negro Loan If Buying Home Violates Restrictions

Office Refers Case to Capital

The Veterans Administration office here is not guaranteeing any loans to Negro veterans whose purchase of property violates deed restrictions against its sale to Negroes.

C. M. C. Porter, loan guarantee-division director, said yesterday "If any of these cases come to us, we would have to refer them to Washington."

Porter said that no such applications have yet been submitted to his office. Most lending institutions are familiar with the V.A. rules, he added, and don't want to be caught with a property they can't dispose of if foreclosed because deed restrictions have been broken by sale to a Negro.

On the other hand, the Federal Housing Administration here recently adopted an opposite policy. In the event of foreclosure, F.H.A. will accept title to such property even though the deed restriction has been violated. As a result, the first F.H.A.-insured loan to a Negro despite an anti-Negro deed restriction was completed here last week.

What the policy of the Reconstruction Finance Corporation will be toward such property is undecided, said Howard Kearley, R.F.C. legal counsel here. A subsidiary of R.F.C., the Federal National Mortgage Corporation is a Government-financed purchased of mortgages.

38c 1950

Louisiana

SEGREGATION BAR IS HELD ILLEGAL

Ruling Against Birmingham Zoning Clause Upheld

38 & c

The United States Fifth Circuit court of appeals handed down an opinion Wednesday in which it upheld a lower court's ruling that a portion of Birmingham's zoning law which attempts to bar Negroes from residence in white sections of the city is unconstitutional.

It was a two-to-one decision with the majority opinion written by Judge Wayne G. Borah. Judge Leon McCord concurred and Judge Robert Russell wrote a dissent.

The case was brought to the appeal court by the city of Birmingham from a district court judgment in favor of Mary Means Monk and several other Negro citizens of Birmingham who asked a declaratory judgment that the zoning regulations in question violate the 14th amendment of the United States Constitution.

The section of the zoning law under attack states, according to the appeal record, "That it shall be a misdemeanor for a member of the colored race to move into, for the purpose of establishing a permanent residence, or having moved into, to continue to reside in an area in the city of Birmingham generally and historically recognized at the time as an area for occupancy by members of the white race."

In Judge Russell's dissent he stated that the city should have been allowed to show that "breaches of the peace, riots, destruction of property and life would follow attempt to violate the zoning restrictions."

The city contended that it and the state of Alabama have certain police powers and under such powers the zoning regulations are valid.

Rev. C. A. Hill Hits Bias Housing Program; Calls Emergency Meeting

Aroused over the acute housing shortage and the segregation policy of proposed housing sites and projects for the low income families of the city of Detroit, the Rev. Charles A. Hill, pastor of Hartford Avenue Baptist Church and a constant fighter for the rights of underprivileged groups, called an emergency housing conference for Thursday, March 16.

Purpose of the meeting, scheduled to be held at St. James Baptist Church, Madison at Rivard, at 8 p. m., is to set up an emergency housing committee for Detroiters.

Blasting segregation in housing and the Cobo Administration, the Rev. Mr. Hill released the following statements to the press Tuesday:

CALLOUS DISREGARD

"The recent dismissal of the Rev. Robert L. Bradby and the callous disregard of the Cobo Administration for the housing needs of the people have made it imperative for the citizens of Detroit to act.

"Failure of Common Council to make use of available Federal funds has shown that they are unwilling to act on behalf of the people who elected them, but would listen to the voice of their masters—the real estate operators.

"For months the council has been listening to the voices of hatred and bigotry in the form of the various "improvement associations" who have urged the council to retain the "racial charactreistics of the neighborhood."

SUPPORTERS ARE ENDORSERS

Directing his fire at Common Council and the Cobo Administration, Rev. Hill further stated in his release: "No public official can support public housing without at the same time coming out openly for the policy of segregation."

Referring to the enemies of non-segregated housing in the city of Detroit, the Rev. Mr. Hill said: "The enemies of public housing have too long hidden under the banner of 'white supremacy,' in order to defeat public housing.

"Mayor Cobo's rubber stamp committee bankers and real estate operators otherwise known as the Detroit Housing Commission, has also shown its inability to carry out any independent action without first consulting the man who appointed them.

"The Mayor's so-called 'slum clearance' policy is a fraud perpetrated on the people of Detroit.

"This program will not furnish homes for low income families at rents they can afford to pay.

"This land will be 'sold' to private builders to exploit for their own private gains, and our past experiences tell us that these homes will be rented in such a manner as not to change "the racial characteristics of the neighborhood.

Race Tension On Upswing, Detroit Mayor Is Told

DETROIT — (ANP) — Mayor Albert E. Cobo was warned last week that racial tension is on the increase here and that something must be done immediately if dire consequences are to be halted.

The mayor was informed by the Mayor's Interracial committee that tension here has reached its highest point since the 1943 race riots, when 36 persons were killed. George Schermer, director of the committee, recommended that the mayor appointed a special group of community leaders to map plans designed to reduce this condition.

Schermer laid the bulk of the blame at the feet of neighborhood property improvement associations which attempt to keep the city's 300,000 Negro residents confined into certain sections of the city.

He further charged the city government with yielding to these pressure groups instead of acting for the "overall good of the community or in terms of certain basic principles of justice."

"A few obvious but significant factors make this crisis period inevitable," he stressed. They include the trend of courts and federal agencies in defending individual rights, increase of Negro buying power, the need of more housing, increase in Negro population, and overcrowding of Negroes

PUBLIC HOUSING BIAS CHALLENGED

DETROIT, June 8—Continuing its drive against residential segregation which has hemmed in the Negro population of this city in undesirable areas, the NAACP has filed suit in the United States District Court here seeking the removal of all racial barriers to occupancy of publicly-financed housing developments.

The suit, filed on June 5 in behalf of nine Negro families, asks the court to direct federal and local housing officials to order the admission of the families to dwelling units in projects from which they have been excluded solely because of race even though less eligible white families have been admitted. The court is also asked to ban segregation within the projects.

Named in the suit as defendants are Mayor Albert E. Cobo, the members of the Common Council, the housing commissioners, the director of the Detroit Housing Commission; Raymond M. Foley, administrator of the federal Housing and Home Finance Agency; John Taylor Egan, commissioner of the Public Housing Authority; and Hugo Schwartz, director of the PHA office in Detroit.

The suit was filed in behalf of Walter A. Lewis, Jasper Irvin, Jerome Gray, Amanda Snead, Eddie L. Hall, Jessie Love, Cornelius Britt, Ozie Linder and Willard Tilton, all of whom are eligible applicants for low-rent public housing. Their complaint alleges that they had vainly petitioned the federal and local housing authorities for admission to the government-owned projects. Their petitions were ignored in violation of their constitutional rights, they assert in the complaint.

City Jim Crows Its Own; Bars Jethroe, Easter

38 c

Charging that St. Louis hotels are the only ones which bar Negro players on major league teams, such as Jackie Robinson, star second baseman of the Brooklyn Dodgers, the NAACP appointed a committee Wednesday, to put the spotlight on local hotels. An NAACP spokesman pointed out that when the Brooklyn team comes to St. Louis its Negro players are not allowed to stay in the Chase Hotel with the rest of their teammates. In other cities all members of the team live in the same hotel, he said.

A check by the Argus revealed that Jackie Robinson, Roy Campanella, Brooklyn catcher, and Don Newcombe, pitcher, have taken rooms at the Midtown Hotel, an all-colored hotel. At times some of them have stayed in private homes.

According to the NAACP spokesman, many citizens are aroused over the "insult" handed to Negro baseball stars by St. Louis. A motion authorizing the appointment of the committee to investigate the situation was offered and passed during the regular NAACP meeting, Monday night.

The committee is charged with surveying St. Louis hotels for biased policies and working to eliminate such discrimination.

Negro players with Major League teams have expressed their annoyance and disgust with St. Louis' jim crow which imposes an additional handicap on them by separating the team and creating a bad atmosphere.

Besides the Brooklyn players, Sam "the Jet" Jethroe with the Boston Braves, Luke Easter and Larry Doby with the Cleveland Indians, and Hank Thompson with the New York Giants are also jim crowed by St. Louis hotels.

"The sickening part of the thing is that Jethroe and Easter are St. Louis boys, who are treated like human beings in every city except their own," the NAACP spokesman declared.

38c 1950

Minnesota

Rules Race No Issue In House Sale

MINNEAPOLIS, Minn.—In an unprecented ruling here last week, Hennepin County District Judge Theodore B. Knudson further clarified the issue of race and real estate.

He ruled against a white couple who sought to void the sale of their home to a Negro woman they thought was white. Color, he said, had absolutely no bearing on the sale of the property.

Through realtor Willam Cassius, Mrs. Camille Keller bought the home from Mr. and Mrs. Silas Paulson. They claimed Cassius and Mrs. Keller had perpetrated a fraud upon them by representing Mrs. Keller as a white woman.

When neighbors discovered the new owner was actually a Negro, pressure was apparently put on the Paulsons and they began legal proceedings to rescind the sale.

The judge ruled that race, creed or color was immaterial in the case and decided that there was no fraud involved.

Mixed Pair, No Apartment

Landlord Accused of Reneging on Deal

38c NEWARK

The owner of an apartment house on Sixth Ave. leased an apartment to an engaged couple, but now refuses to honor his contract because the young newlyweds to-be are of different races. Miss Pricilla Tietjen, of 45 Christopher St., told the AFRO.

Miss Tietjen, who produced a contract which showed a month's rent had been paid on an apartment in the house at 14 Sixth Ave., charged that after she and her fiance painted the place and made other arrangements to occupy it, the landlord changed the locks and then refused to give them keys.

She said a tenant told her the landlord stated he rented the apartment, but changed his mind after young woman explained, "happen to be Mr. Bassett (Emmet W. Bas- learning "the facts of the case."

The "facts of the case," the sett, of 68 Commercial Ave., New Brunswick) is colored."

Bassett is a student at Rutgers University, working toward a Ph. D. Degree.

The owner of the property is William R. Mestice of 247 Broad way, who denies that the couple is barred on a basis of race and color.

His version of the story is that a barber who has a shop near the property, and who sometimes acts in the capacity of an agent, rented the apartment to another tenant without the landlord's knowledge of the transaction.

As a result of this alleged transaction by the barber, and without the knowledge of the landlord, Basset and Miss Tietjen were told the apartment was not available to them.

They said Mestice offered to return the rent money and to pay them for the time and money required to paint the apartment. The offer was refused, and the young couple intimated they intend to take the matter to the courts.

They point out that regardless of other excuses, the landlord signed a contract with them and accepted their money. "They hold that his reason for failing to live up to the provision of said contract is due solely to the matter of race and color.

Stuyvesant Town Lifts Race Ban: Selected Negroes Go In Sept. 1

The Metropolitan Life Insurance Company said yesterday that some apartments in Stuyvesant Town, its East Side housing development, have been leased to "qualified Negro tenants."

Neither the names of the new tenants nor the number of families admitted to Stuyvesant Town were made known by the company. A Metropolitan official said that it was against company policy to reveal such information.

It was learned from another source that the first Negro family to sign a lease wil loccupy an apartment in the building at 523 East Fourteenth Street near Avenue B. At least five families are expected to movie in beginning Sept. 1.

"No change in basic policy is involved," the Metropolitan official said in a statement yesterday. "In court proceedings which have continued over a period of several years the company has successfully established its right to select tenants of its own choice. In doing so, the management will continue to exercise its best judgement."

Efforts to have Negroes admitted to Stuyvesant Town began more than two years ago. On Aug. 8 last, thirty-five tenants in Stuyvesant Town and nearby Peter Cooper Village — another Metropolitan project—who opposed restrictions against Negroes in Stuyvesant Town received notices advising them to vacate their apartments by Sept. 30. The notices said only that the company was exercising its right under provisions of "Clause 18" of leases. This gives the company the option of renewing the leases.

Among those receiving notices was Paul L. Ross, chairman of the Town and Village Committee to End Discrimination in Stuyvesant Town. Another was Dr. Lee Lorch who lent his Stuyvesant Town apartment to a Negro couple in 1949 to test the Metropolitan's ban.

There was no indication from the company yesterday that its decision to admit Negro families would affect the eviction move against the thirty-five tenants. Members of the group have retained attorneys to fight eviction.

City Councilman Stanley Isaacs, Rep.-Lib., of Manhattan, who with Councilman Earl Brown, Dem., Manhattan, framed a bill to bar discrimination in any city-assisted housing project, said yesterday that the bill would "go through" unless he receives assurances that the Metropolitan has agreed to end all discrimination on grounds of "race, color or creed."

In formed of the Metropolitan's statement. Mr. Isaacs said that he "could not understand how the company can state that it is renting to Negro tenants, but still not changing its policy."

Mayor William O'Dwyer, who promised to seek a solution to the problem, had been conducting personal negotiations for the past month with Frederick H. Ecker, chairman of the board of directors of the Metropolitan.

Stuyvesant Town, which houses more than 25,000 persons in 8,759 apartments, is located on a site bounded by First Avenue, Franklin D. Roosevelt Drive, Avenue C, Fourteenth Street and Twentieth Street. It cost more than $90,000,000 to build.

Acquisition of the site for Stuyvesant Town began during World War II. Construction started in 1946 and the first tenants were admitted in 1947. The development was built as the citys' first postwar housing project, with some city assistance. Existing city and state laws banning discrimination in new housing do not affect it.

Tan Couple in Ronek Park

NORTH AMITYVILLE, L.I. — Mr. and Mrs. Jerome Morris, attendants at the Pilgrim's State Hospital at Brentwood, LI., last Thursday, became the first colored family to occupy a home in Ronek Park, a new interracial housing development north of this town.

Mr. Morris, 27, a former first lieutenant in the Army Air Force, and his wife, Juanita, 27, who had lived previously at the hospital, said:

"At long last we have something we can call our own. We became tired of being pushed around by builders, now we will be able to enjoy a garden and outdoor lif." They expressed a preference for suburban life.

Interracial Project

The Ronek Park project when completed will consist of 1000 one-story homes on a 147-acre tract and will cost approximately seven million dollars.

Each home, with five rooms, costs $6,990 and is "for purchase regardless of race, creed or color."

At present, 227 houses have been completed and these are expected to be occupied within the next few months. The project is being developed by the Ronek Construction Company.

EARLY WAY OF PUNISHING

"Keelhauling" meant the offender in the Navy was bound hand and foot and weighted, causing him to sink, then drawing him under the ship's bottom. If the bottom was covered with barnacles, the torture was extreme and often proved fatal.

Negroes Cry Against Plan For Housing

Negro homeowners in southeastern Dallas will meet at 8 p.m. Tuesday to protest a plan of the Dallas Housing Authority to add 300 units to Frazier Courts addition for Negroes at Hatcher and Spring Avenue.

It will be the second meeting held by the group, and will follow a statement issued Monday night.

The statement was signed by the Rev. R. L. Parish of the True Lee Baptist Church, 3011 Troy, who also announced the second meeting. His statement opposes the housing authority's plan to add the units to Frazier Courts because it would make homeowners of the district "give up homes and church that have been purchased at so great a sacrifice."

J. L. Stephenson, housing authority chief, said a definite site had not yet been announced in the area. But he did say that the authority was contemplating adding the units to Frazier Courts. The project now has 250 units.

The statement signed by Parish said that nearly 100 homeowners in the district around Skillern, Troy, Duckett, Hatcher and School Place had met for the first time last Tuesday to consider a way to block the Authority's plan.

"Our women worked for salaries as low as $3 a week, and our men for $6 a week trying to secure a home. After all these years of laboring for small salaries and doing without things we actually needed in order to have a home, the Dallas Housing Authority would certainly be unfair to move us," the statement read.

"A great many of our older people . . . would not be able to purchase another home. They would not get enough out of their property to pay cash for another home. . . .

"We know that Negroes need more units to live in . . . (but) it doesn't show any sign of progress to move 200 people outdoors to put 200 people indoors. . . .

"We may not be considered in this matter and to a great extent we may be helpless because of who we are. But 'Be not deceived, for God is not mocked; whatsoever a man shall sow that shall he reap'."

Metropolitan Life Yields To Pressure

NEW YORK—The Metropolitan Life Insurance company last week yielded to a three-year onslaught against its lily-white policy and admitted Negroes to its $90,000,000 housing project, Stuyvesant Town.

Heavily cloaked in the sustained fight that went as high as the United States Supreme Court was believed to have been delivered when City Councilmen Earl Brown and Stanley Isaacs early this year introduced a bill prohibiting discrimination in any city-aided housing project.

No bars exist in this city against Negroes living in public housing.

The capitulation of the gigantic company to growing public opinion was not graceful. A number of tenants active in the campaign against the old policy has been served with eviction notices.

Number Not Revealed

The number of Negro tenants who were accepted by the Metropolitan was not revealed, but it was indicated there would be about five families moving in around September 30.

The admittance of Negroes to the huge East Side project ends seven years of bitter controversy, protest meetings and court fights.

It was termed a victory for the group of 35 tenants of Stuyvesant Town and Peter Cooper Village (an adjoining Metropolitan project) who organized as the Town and Village Tenant Committee to End Discrimination in Stuyvesant Town.

Equal Basis Sought

"Metropolitan has been compelled to recognize the American principle of equality in housing," said Paul Ross chairman of the group. "Nevertheless, the victory cannot be completed until all Negro families have the same opportunity as white families to apply for vacant apartments."

But the victory left a heavy price over the heads of the group. 35 tenants of the two projects, all active in the organization, have been served with eviction threats. On Aug. 8, last, they received notices advising them to vacate their apartments by September 30.

City Councilmen Brown and Isaacs, co-sponsors of a bill to end discrimination in any city-assisted housing project, are not pleased with the company's statement. They had promised Mayor William O'Dwyer not to re-introduce their bill to the City Council if the Metropolitan agreed to drop the color ban. Unless the company assures them that it will end all discrimination on grounds of race, color or creed, the bill will be reintroduced at the next meeting of the Council.

Stuyvesant Town's Racial Bar Stands

Supreme Court Refuses to Review Negroes' Case

WASHINGTON, June 5 (AP).—The Supreme Court refused today to review a decision that Negroes may be excluded from the Stuyvesant Town housing development in New York City.

The decision was given by the Court of Appeals of New York State. It was appealed to the high tribunal by three Negroes who sought unsuccessfully to rent apartments in Stuyvesant Town. Associate Justices Hugo L. Black and William O. Douglas favored hearing the case.

The lower East Side project has 8,759 apartments, houses more than 25,000 persons and cost $90,000,000 to build. It was financed by the Metropolitan Life Insurance Company.

Public, Publicly Aided Dwelling Bias Illegal

Law Makes It Crime for Any Person Even to Ask Racial Identity of Project Seeker

ALBANY, N. Y. (NNPA) — Gov. Thomas E. Dewey's civil rights program was rounded out, last Friday, with a law against segregation or discrimination in public housing and limited dividend housing because of race, color, religion, national orgin or ancestry.

The new law, effective on July 1, applies to all publicly assisted housing accommodations "to be constructed," but not to existing projects, such as Stuyvesant Town in New York City.

In approving the bill, a bi-partisan measure, Governor Dewey called it "a logical extension of the State's policy now in effect in public housing and limited dividend housing."

Race Designation Illegal

The measure, sponsored in the Legislature by Sen. Arthur H. Wicks, Republican Majority Leader, and Assemblyman Bernard Austin, Brooklyn Democrat, exempts housing accommodations operated by a religious or denominational organization and those privately owned and not in any way publicly assisted.

It defines publicly assisted housing as any which is tax exempt in whole or in part; is constructed on land sold below cost by the State or any political subdivision or their agencies; or is constructed in whole or part on property acquired through the power of condemnation.

The law makes is specifically unlawful "for any person to cause to be made any written or oral inquiry concerning the race, color, eligion, nationality, ogin or ancestry of a person seeking to rent or lease any public assisted housing accommodations."

Provides for Court Action

The law, which provides for cout action to restrain violations and collect damages, both on the part of the aggrieved persons and any taxpayers, was praised by Algernon D. Black, chairman of the New York State Committe on Discrimination in Housing.

It means, he said, "that New York is now the first state in the union to bar discrimination in both public housing and private housing which is aided in any manner by the government." Mr. Black urged continued efforts to outlaw "all housing bias in New York State."

Fight to End Housing Bias to Continue Despite 'Opening' of Stuyvesant Town

Metropolitan Life Admits 'Qualified' Few, Denies Making Any Change in Basic Policy

NEW YORK — The announcement, Thursday, by the Metropolitan Life Insurance Company that it will lease some Stuyvesant Town apartments to "qualified colored families" has failed to divert civic and liberal groups here from pressing for legislation banning housing discrimination.

A Metropolitan spokesman said: "No change in basic policy is involved. In court proceedings which have contiued over a period of several years, the compay has successfully established its right t select tenants of its own choice. In doing so, the management will continue to exercise its own best judgment.

He admitted that the company already had leased some apartments to colored families as of Sept. 1, thus ending its seven-year fight to keep the project lily-white.

Race Still a Factor

In a combined statement issued Friday, the NAACP, American Jewish Congress and the American Civil Liberties Union declared:

"Since Metropolitan has announced that it has not changed its basic policy, we must conclude that race may still be a factor in passing on applications.

"Accordingly ... we will continue our support of legislation by the New York City Council to prohibit racial discrimination in publicly-assisted housing developments. Our ultimate goal can only be achieved by its enactment."

White Not Enthusiastic

Walter White, executive secretary of the NAACP, was far from enthusiastic when he was informed of the Metropolitan's new policy. "I am glad the company at long last is practicing more democracy in housng," he said.

The American Labor Party, also, while hailing the company's announcement as "a first step in the direction of Americanism," continued to urge that the Isaacs-Brown bill prohibiting discrimination in city-aided housing projects be re-introduced and pased by the Council.

The party also urged that State Rent Administration McGoldrick and city officials take action to head off the eviction of 35 Stuyvesant Town families who fought agaist the insurance company's jim crow policy.

Evictions Not Cancelled

These families, all of which belong to the Town and Village Committee to End Discrimination in Stuyvesant Town, have received notices that their leases will not be renewed this fall because they have actively campaigned for the admission of colored persons as tenants in the project.

Paul Ross, chairman of the committee, stated:

"Metropolitan must recognize the right of these families who carried on the campaign to end discrimination to retain their homes. They must not be made to move because they exercised their American right to fight for equality."

Commenting on the "no change in policy" part of the Metropolitan's announcement, Ross continued:

Brown, Isaacs Cautious

"The company's statement can only be construed to mean recognition that discrimination must be eliminated in Stuyvesant Town. No one has objected to Metropolitan setting reasonable standards for the acceptance of tenants, but we insist that those standards be applied to all applicants."

Councilman Earl Brown the only colored member of the New York City Council, when asked whether plans have been made to re-introduce the anit-discrimination housing ordinance during this session of the Council, said:

"I will first have to consult Mr. Isaacs (the bill's co-sponsor) before making any statement on that."

Mr. Isaacs, several days ago, had told reporters that he and Councilman Brown would re-introduce the bill withdrawn when Mayor O'Dwyer promised to settle the question, at the Council's next meeting.

After the company's announcement, however, he stated:

"Until the company's policy is clarified, I will not be able to set forth my plans about the bill.

"As far as I'm concerned I can't understand the statement of

Stuyvesant Town Progress

The partial victory contained in last week's announcement by the Metropolitan Life Insurance Company that, effective Sept. 1, it will admit "qualified colored families" to its Stuyvesant Town housing project, is tinged with irony.

This is brought about by the fact that on Sept. 30, some 35 white tenants, some of whom have consistently opposed the Metropolitan's seven-year refusal to accept colored tenants, are scheduled to be evicted.

Following the announcement, a Metropolitan spokesman declared that "no change in basic policy is involved." We don't know what the Met calls "basic," but it is evident that it has made a definite change in the policy that has created a mounting protest since 1943.

It is also apparent that in making this about-face, the Met has seen the handwriting on the wall. A bill introduced in New York's City Council by Councilmen Stanley Isaacs and Earl Brown, and subsequently withdrawn, would ban discrimination in the development.

As late as Monday, Councilman Isaacs had not decided whether or not to re-introduce the measure. We hope that he decides to do so in order that there can be no backtracking by the Met, which, even in its announcement, has indulged in a bit of double talk.

We hope, too, that the tenants facing eviction will carry their cases to court where, we believe, a substantial number of them will emerge victorious and retain their tenancy rights.

Tax exemptions amounting to millions of dollars and other forms of public assistance have been granted to Stuyvesant Town. Such aid, it would seem, would make it obligatory for its sponsors to open the doors to all qualified applicants, regardless of race, creed or color.

A partial victory has been won. We await with anticipation a concluding chapter which will record victory for those tenants who sacrificed their own welfare for a democratic principle. They, too, must be vindicated.

Negro Couple First To Occupy New Homes

NORTH AMITYVILLE, L. I. — An ex-Army officer and his wife became the first Negro couple to occupy a home in Ronek Park last Friday.

Ronek Park is the new housing development located north of here. When completed, it will cost approximately $7,000,000.

Occupying one of the one-story homes are Jerome Morris, 27, former first lieutenant in the Army Air Force, and his wife, Juanita, also 27.

Mr. and Mrs. Morris, who are attendants at Pilgrim's State hospital, had found difficulty in purchasing a home. They previously had lived at the hospital.

No Race Bias

The new housing development will embrace 1,000 one-story homes on a 147-acre tract when completed. Each home, with five rooms, costs $6,999.

The homes are "for purchase regardless of race, creed or color." So far 227 houses have been completed and it is expected that these will be occupied within the next few months.

Mr. and Mrs. Morris paid tribute to Thomas, Frank and Michael Romano for making possible the housing development that will house mostly Negro families. The brothers are owners of the Ronek Construction Co., builders of the project.

"At long last, we have something we can call our own," said Morris. "We became tired of being pushed around by builders. We will be able to enjoy a garden and outdoor life."

35 Bias Battlers to Lose Dwellings

NEW YORK— Fighting for a democractic way of living for all Americans has thrown a shadow over the rights of 35 tenants of Stuyesant Town and Peter Cooper Village. They have been ordered to move from their apartments on or before Sept. 30, when their leases expire.

Their eviction notices state that they are being ousted under the Metropolitan Life Insurance Company's right of not renewing leases. All of these tenants opposed the restrictions against colored occupancy of the projects.

Among those asked to move are Paul L. Ross, chairman of the Town and Village Tenants Committee to End Discrimination; Dr. Lee Lorch, who lent his Stuyvesant apartment to a couple in 1949 to test the insurance company's ban against colored occupancy, and Rabbi Saniel L. Davis, director of organization of the Reform Synagogues of America.

Refuses to Explain

When he questioned company officials about the impending ouster, Mr. Ross said that he was told that it is company policy not to explain such actions. He added all of the tenants who were active on his committee have been asked to move.

Ross has promised to take the cases to court after Metropolitan takes official steps to back up the eviction notices. In the meantime, assistance is being sought from city officials and company heads.

Paul O'Dwyer, brother of Mayor William O'Dwyer, has offered to fight the tenants' case. Mr. Ross said also that he hoped Mayor O'Dwyer would appoint a committee to take the matter up with Frederick H. Ecker, chairman of the Metropolitan Board of Directors.

He added that the Mayor had promised to select such a committee last June 29 when the City Council drew up a bill outlawing racial discrimination in private housing projects. This bill was withdrawn when Metropolitan allegedly began considering a plan to admit some colored tenants.

'K. K. K.' Sign Warns Queens Family to Move

Negro Couple Return Home, Find Oil Spattered on Sidewalk, Garden Wall

A Negro couple who bought a house in a predominantly white neighborhood in the South Ozone Park section of Queens four months ago returned to their home after a visit to relatives early yesterday morning and found a sign on their front doorstep reading "K.K.K. Get-Out."

In addition, the sidewalk in front of their home and the low, white wall which surrounded their small front garden had been begrimed with crank case oil.

Mrs. Vera Bishop, who lives with her husband Reginald and two sons, Howard, sixteen, and Robert, fourteen, at 147-03 119th Avenue, reported the incident to police of the 103d Precinct Station at 91-03 168th Street immediately.

Police to Investigate

Lt. Frank Van Thunen of the 103d Precinct dispatched a sergeant to Mr. and Mrs. Bishop's home at 3:20 p. m. yesterday. He said his department would conduct a full investigation—"just as soon as we can."

Mr. and Mrs. Bishop and their two children have been living in their home, which they purchased for $10,000 from a white owner, for the last four months. Mrs. Bishop said they moved from Brooklyn because "the two boys wanted a quiet neighborhood to live in." Mrs. Bishop is employed as an attendant in Bellevue Hospital. Mr. Bishop works as an automobile mechanic for a Queens Village garage.

The Bishops experienced a similar but less direct attack a week ago when one or more persons spattered the sides of their 1940 Cadillac with the same type of black oil which was used more abundantly yesterday. At that time they attributed the incident to carelessness on the part of another driver.

Message on Cardboard

The message which Mr. and Mrs. Bishop found on their doorstep was printed in black on a gray piece of cardboard of the type commonly used by laundries to preserve the shape of freshly washed men's shirts.

The damage inflicted on the Bishops probably took place shortly after 1 a. m. Their son Robert, who was upstairs at the time listening to the radio with his cousin, Carlton Bain, fifteen, of 130 East 115th Street, and a friend, Charles Small, fifteen, of 244 West 122d Street, reported that he heard the family's German Shepherd, Chico, bark at the front door. The boys rushed downstairs and peered into the darkness outside, but saw nothing. They attributed Chico's barking to a stray cat and returned upstairs to listen to the radio.

There has been no evidence of Ku-Klux-Klan activity recently in New York. The Bishops said they were unworried and had no plans to move. Neighbors, when asked to comment on the Negro family in their block, said they did not know the Bishops well but certainly did not mind their presence there. Although many blocks in the neighborhood are inhabited completely by Negroes, police reported there is little friction.

38c 1950 New York

Hip, hip, hooray, for the New York City Council which this week unanimously passed an ordinance banning discrimination in public and private housing aided in any manner by the City. This action sends New York to the head of the class since up to now no other city has had the guts to take this forthright step. . . Housing and Home Finance Administrator Raymond Foley will go through housing with a fine tooth comb at a public conference which he has ordered for January 25-26. A lot of knots in the entire housing program, including private housing aids, low rent public housing, slum clearance, urban redevelopment and housing research, will be unmarled. This oughta be a good chance to clear up some misgivings over racial aspects of the entire housing program. But you can't learn standing on the outside talking big talk. Organizations, catch on?

Hendrixes Sum Up After 6 Months

Daily Compass Mon. 2-13-50

THE HENDRIX FAMILY, Hardine, Hardine, Jr. and Raphael, at home in Metropolitan's Stuyvesant Town bastion, which they stormed six months ago.

Staff Photo by De Blase

By SID KLINE

It has been just six months since the Hendrix family — Hardine Sr., his wife Raphael, and their son Hardine Jr., 5½ — moved into Stuyvesant Town in defiance of Metropolitan Life Insurance Co.'s legally sanctioned ban on Negroes in what one jurist has called the largest "private barony" in the U. S.

The other afternoon, in the tastefully furnished apartment of Prof. and Mrs. Lee Lorch, where they have been guests in recent months, the elder Hendrixes talked simply about their experiences in that half year.

Sitting by, occasionally joining in the conversation, were a group of friends and neighbors. From time to time, the Hendrix boy or one of his chums would come whooping through the room in an excursion from another part of the apartment where a cowboy game was centered.

In that setting emerged a story of many triumphs, some setbacks, in a grim contest entered into by little people against the mandate of a corporate giant. And from the recollections of the only Negro family among the 24,000 residents in the privately owned project which, in 25 years, will enjoy $50,000,000 in tax exemptions, came the impression that the little people, with popular support, can triumph.

Last August, it will be remembered, the Hendrixes moved into the apartment of the Jesse Kesslers, creating a furor whose reverberations spread farther and farther, until they were worldwide. The story appeared in the press of India, Israel, Japan.

The Kesslers, going away on vacation, invited the Hendrixes in. Metropolitan Life fought to oust them then, tried later when the Kesslers returned and the Hendrixes became guests of the Lorches, who had gone to State College, Pa., for the current college year.

Still in the project, soft-spoken Mrs. Hendrix said the other day:

"Our neignbors like us. We like it here. This fight will be won."

"People who live here," interjected Lawrence Knobel, a member of the Committee to End Discrimination in Stuyvesant Town, "are determined to stay in it until it is won."

The verbal balance-sheet that Mrs. Hendrix offered seemed to add up that way.

On the negative side, there were open and unseen moves by Metropolitan. There was, towering above all else, the company's victory in the state courts, where city authorities joined the corporation in successfully asking that Metropolitan's contractual right to bar Negroes be upheld.

There was the action of the Church of All Nations Nursery School, 9 Second Ave., which first accepted, then turned down Hardine Jr. as a pupil because, Mrs. Hendrix said, she would not sign a statement saying that other children in the project were discriminating against "Dinee."

"It wasn't true," said Mrs. Hendrix. "Dinee and the other kids get along fine. Why did the school want such a statement? Because, I think, the company put on pressure to get, on record, an admission that our neighbors didn't want us around. But they do."

There was the company's refusal, still existent, to accept rent checks from the Lorches on the grounds that persons other than themselves occupy their apartment.

There was the handful of anonymous and scurrilous letters referring insultingly to the Hendrix' race, threatening them with harm unless they got out.

There was the sneering inquiry by one tenant—but only one—of another in the same building as to whether he liked the "new neighbors."

That was the negative side of the balance sheet.

On the positive side the record was stronger.

"The court fight is not over," said Knobel. "There is a petition before the United States Supreme Court to review the case. The consitution is on our side."

On the school issue, well, Dinee had gotten into school. He was attending kindergarten at P.S. 61 at Ave. B and 12th St.

As for letters, those of congratulation and support far outnumbered the abusive ones.

More than anything, the neighbors had shown they were behind the Hendrixes. Right on down the line. For the one sneer there had been, in the six months gone by, hundreds of smiles, handshakes, messages of encouragement.

"The parties!" said Mrs. Hendrix. "We've had to ask our friends to call it quits. We have this nice apartment and we want to live in it some of the time." She smiled.

In the first tense days there had been many of them, and during the months that unrolled, many more. She recalled fondly the joint Christmas-Chanukah party at which Dinee learned about Jewish customs and one of his guests learned about Christian lore. She told of the birthday party against race prejudice her eyes grew brighter. Ever since entering Stuyvesant Town, she said, there had been requests to tell her story. She had done it. In churches she would oppose further private gatherings, before tenant groups, over the radio, most recently in Washington as a delegate to the Civil Rights Mobilization. More talks were scheduled. That was good. Important.

"We are getting results," she said. "I was a member of a delegation which called on Borough President Wagner. He said that if Metropolitan Life came to them with a dozen youngsters in the apartment were appearing more frequently in the living room, making their hunger known. Lots remained to be said, but youngsters, like adults, would be heard.

"Monday," said one of the neighbors, "is Lincoln's Birthday. I think Lincoln would be proud of the Hendrixes. They carry on his tradition."

Rally to Press Fight On Bias in Housing

An emergency public conference at Manhattan Center on Saturday at 1 p.m. will discuss plans to obtain passage of state legislation barring discrimination in housing, it was announced yesterday by Paul L. Ross, chairman of the Committee to End Discrimination in Stuyvesant Town.

It was dinner time now, and the half dozen youngsters in the apartment were appearing more frequently in the living room, making their hunger known. Lots remained to be said, but youngsters, like adults, would be heard.

"Monday," said one of the neighbors, "is Lincoln's Birthday. I think Lincoln would be proud of the Hendrixes. They carry on his tradition."

When she talked of her efforts said. "I was a member of a dele-go on.

WHAT HAPPENED TO DR. LORCH IS BAD

It is indeed hard to keep from being seized by the fear of American fascism coming to crop when such added incidents as the double firing of Dr. Lee Lorch from Penn State College. He had previously been fired from City College of New York. The reason? Because two summers ago he invited a Negro family to occupy his leased apartment in the Stuyvesant Town housing project, the Metropolitan Life Insurance company's grand Jimcrow holding in New York. Because Dr. Lorch believed in practicing democracy, not merely preaching it, he is being made a target. . . . But what is even more alarming are the words of the trustees in dismissing Dr. Lorch: terming his action as "extreme, illegal, immoral and damaging to public relations." Not even the late Bilbo or the current Rankin could appropriate such words in bedamning an anti-jimcrow decree.

But it may be worse than feared, for they are allowing Senator McCarthy to usurp the readlines with his unproven accusations. That is exactly the method that Hitler and Goebbels used — a repetition of false charges until they have been dinned in the publice mind as "true".

What has happened already to Dr. Lorch (and they have not yet labeled him as a red!) is not without alarm. . . .

THE LORCH CASE

When City College failed to renew the appointment of Dr. Lee Lorch to its mathematics faculty last year, a considerable controversy ensued. Dr. Lorch had been a leader in the fight against the exclusion of Negro tenants from Stuyvesant Town, and in some quarters it was suggested that this was a reason why he was dropped. However, an alumni investigating committee held that anti-Negro sentiment was not involved, but, rather, that it was a question of personality conflicts. Dr. Lorch obtained a position at Pennsylvania State College for the current year, and meanwhile, invited a Negro family to occupy his Stuyvesant Town apartment as his guests.

Yesterday came news that Dr. Lorch's appointment at Penn State is also not to be renewed. Unlike the situation last year, the department chairman in this case recommended his reappointment. Furthermore, a college official has admitted that he reported on Dr. Lorch's Stuyvesant Town activities to the college trustees, who then decided to drop him. Various members of the Penn State faculty have protested the action, on the grounds that Dr. Lorch's work and conduct merited his retention.

Admittedly, it sometimes happens that a vigorous and outspoken advocate of unpopular or unorthodox causes is dropped from his job, or fails of advancement, for reasons that have nothing to do with his opinions. We must nevertheless point out that academic freedom is really imperiled if a professor is to be penalized because he takes a firm and positive stand against racial discrimination. We cannot yet say that this is why Dr. Lorch is being dropped; but if it is, we think that Penn State will do great harm both to itself and to the cause of education in allowing this decision to stand.

Fired Math Prof Says You Can't Tolerate Bias

By JULIA B. ENGLISH

"It is impossible to tolerate discrimination without being a part of it." This is the code by which Dr. Lee Lorch, brilliant mathematician, lives.

That is also the code which is indirectly responsible for his having lost his post as instructor at City College of New York and which is threatening his post as an assistant instructor at Pennsylvania State College.

The real issue, Dr. Lorch says, is the fact that he has taken the lead in the fight to have Stuyvesant Town, Metropolitan Life Insurance Company's lily-white housing project, opened to all races.

In connection with that fight, Dr. Lorch invited a couple named Hendrix to share his apartment in Stuyvesant Town while he was in New York City. Upon going to Penn State, he sublet it to them.

Housing Fight Responsible

The fact that his Stuyesant Town fight is responsible for the loss of both jobs is evidenced by the fact that the native-born New Yorker was recommended for a promotion at City College in Dec., 1948, just two months before he was notified of his dismissal.

It is further evidenced in the fact that his department head at Penn State has recommended his reappointment in March of this year, just a month before the dean advised that he would not be reappointed without giving any reasons for failure to keep him on.

At both colleges, Dr. Lorch states, the question of his work with the Town and Village Committee to End Discrimination in Stuyvesant Town came up.

Expressing belief that relinquishing his fight would have secured his future in his profession, Dr. Lorch said in an interview Thursday, "I can't give approval of discrimination by silence."

Formerly at Hampton

An instructor at Hampton Institute while serving as an assistant mathematician at Langley Field, Va., 1942-43, Dr. Lorch gave up his draft-exempt position to volunteer for active service.

"My experiences in the war did more than any other thing to crystalize my determination to fight," Dr. Lorch said. "I never liked discrimination. I lived right on the outskirts of Harlem when I was young and saw many types of mistreatment which disgusted and shocked me."

It was even worse on the transport to India, where he was stationed over a year, he said.

Whenever there was garbage to be disposed of, or decks to be swabbed, it was the colored soldier who had to do it, he related, telling graphically of how wind would blow garbage back into the GI's faces.

"I felt sick every time I saw it," he added.

Disgusted by Treatment

In India, he continued, man's inhumanity to man became even more evident. There, he not only saw colored soldiers mistreated, but gained a profound disgust for the treatment of the natives by a handful of whites.

"My experiences in India were upsetting and at the same time constructive," declared Dr. Lorch. "I knew that if I had any kind of decency in me, I couldn't just sit by."

It would have been easy for him to sit by. A graduate of Cornell, A.B., with his M.A. and Ph.D. from the University of Cincinnati, he had been in great demand for scientific lectures before the Calcutta Mathematical Society and at Dacca and Calcutta Universities in India.

Even after his return to the States, from Okinawa, Dr. Lorch found himself in what might be considered a "soft berth," teaching at City College. From there, he went to Penn State, which has a rought 12 thousand students.

Ability Unquestioned

His ability, to date, has been unquestioned. In February of this year, he presented a research paper before the American Mathematical Society.

During the debate over his reappointment at Penn State, virtually all of his co-workers in the department of mathematics signed a statement expressing "confidence in the ability of Professor Lee Lorch as a mathematician and a teacher." They said further, "He has been helpful in department activities and is personally liked." and yet, he has so far lost out at Penn State—for no reason.

When he first went to Penn State in Sept. 1949, Dr. Lorch was interviewed by A. O. Morse, assistant to the president. Mr. Morse told the mathematician that some alumni protested his appointment but insisted that the Stuyvesant Town situation was a private affair and not the business of the college.

Proved on 'Red' Views

In March, Dr. Lorch was recommended for appointment by his department head, Dr. O. Field. On March 24, with Dr. Field present Ben Euwema, dean of the School of Liberal Arts, and Mr. Morse interrogated Dr. Lorch concerning the Stuyvesant Town issue and expressed their opposition to his activities.

At the end of that interview, Mr. Morse asked Dr. Lorch whether he is a Communist. Dr. Lorch replied that the American Association of University Professors regards the question as irrelevant to academic employment.

Fighting Question Now

He added that the faculty of the University of California is presently engaged in an effort to prevent use of the question and that he could not "legitimize the question by answering it and there injure the major academic freedom stuggle now being waged."

The college in its statement regarding its failure to reappoint Dr. Lorch said:

"Dr. Lorch was appointed for one year. After thorough consideration, the trustees decided not to reappoint him. The decision was not based on his action in inviting a colored couple to live in his apartment in Stuyvesant Town.

Refuses to Sacrifice

"The attitude of the college toward the colored person is well and favorably known. Nor was the decision based on his political views.

"Dr. Lorch was not reappointed because in our judgment he does not have the personal qualifications which the college desires in those who are to become permanent members of its faculty."

Married to a former teacher who herself is a fighter (she challenged Boston's right to fire a teacher for marrying) and father of a kindergarten-aged child, Dr. Lorch says he cannot sacrifice his principles for security. He sees no reason that a man can't keep both.

See-Code-12d-1950
Washington, June 5- The Supreme Court refused today to review the legal fight of Negroes against exclusion as tenants in the $90,000,000 Stuyvesant town housing project on New York's lower East side.

Times, New York, N.Y.
Tues. 6-6-50

Dynamite Blasts Home Of Negroes

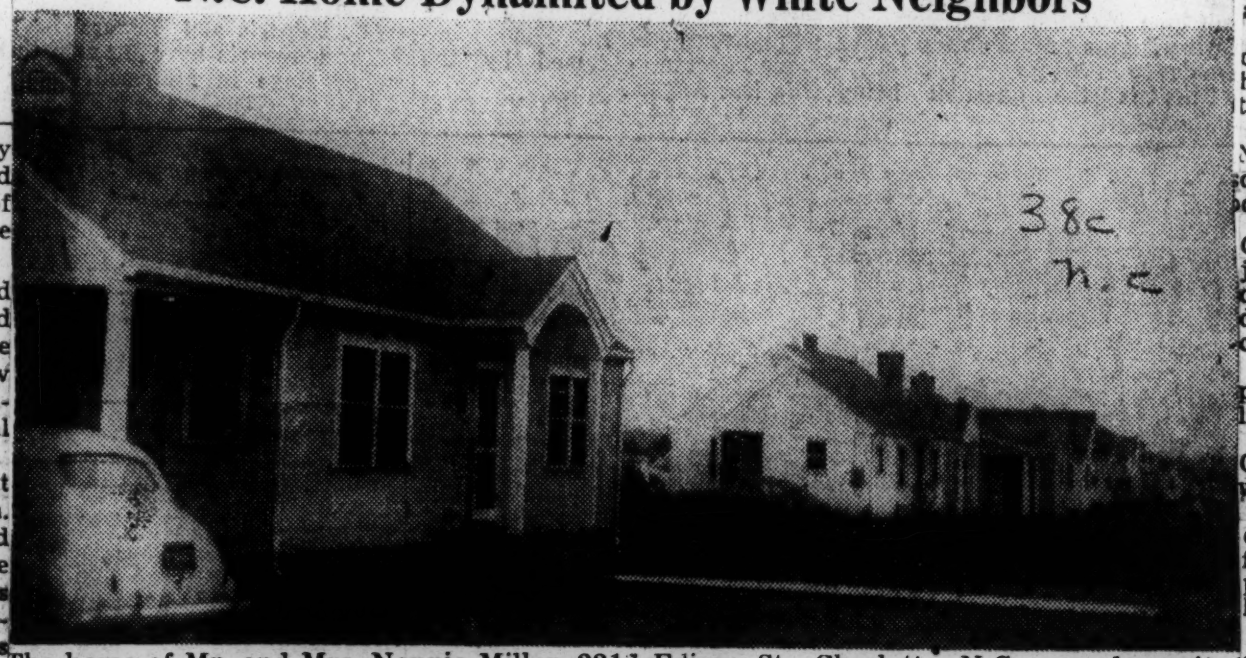
CHARLOTTE, N. C., Jan. 14—(U.P.)—A dynamite blast Friday night shattered windows, felled plaster and tore off a section of gutter at a Negro home in a white neighborhood.

Police said it was the second warning to "get out." They said a fiery cross was burned in the family's yard, Dec. 18, only a few days after the Ku Klux Klan announced it had organized a local Klavern.

Nonie Miller said he was not at home at the time of the explosion. Other members of the family said they saw no one plant the charge near the side porch. The Negroes moved into the center of the all-white neighborhood several weeks ago.

A neighbor said the blast was another move to discourage Negro families from settling in the white community, which is surrounded by a Negro settlement. He explained that since the Millers moved into their new home, several residents of the section had offered their houses for sale.

N.C. Home Dynamited by White Neighbors



The home of Mr. and Mrs. Nonnie Miller, 2217 Edison St., Charlotte, N.C., was dynamited last week by unknown persons. The bomb blew a hole in the ground 8 by 16 inches, knocked down plaster in the living room and broke six window panes. Seen in the background are other homes owned and occupied bp whites.

Home Bombed, Owner Set to Shoot, Call Law Later

By JOE MAXWELL

CHARLOTTE, N.C. — Dynamiting of a colored home in a white neighborhood last week brought prompt notice from the owner to police that, hereafter, "I will shoot any suspicious person who crosses my property, and will call you later."

Taking advantage of a heavy fog, persons unknown, believed to be members of the Ku Klux Klan, blasted the home of Lonnie Miller on Edison St. on Friday the 13th, while he was talking on the telephone between 7:30 and 8 p.m.

Mrs. Miller and a nephew were also in the house but no member of the family was injured.

About 30 days previously a cross was burned in the yard at 2217 Edison St. Police said at the time it was the work of "make-believe Ku Kluxers."

Novice Hurled Bomb

Police reported that the concussion from the blast knocked out six window panes, dislodged plaster from the living room, tore a large hole in the ground, and blew an elbow section from the gutter pipe which was found some 20 feet from the drain.

Investigating officers who were hampered by the fog, found no fragments nor fuse, Capt. B. A. Williams said. They opined that the bomb was handled by a novice.

Tension Area

Edison St. is located to the East of Statesville Ave., on U.S. Highway No. 21 North, a stone's throw from C. D. Spangler, Inc., a three million dollar housing development for white families.

Many residents said that invasion of the area by colored people was "just a matter of course and time."

While the Millers are the only colored family in the large white area, the AFRO was informed that another family is due to move in soon "if this bombing did not scare them off."

White Agent Thrashed

The houses are selling to colored families for 6,500 to $10,000.

The chief real estate agent for the white families who own the homes and desire to leave the area was said to have been soundly thrashed by a gang of whites, hoping thereby to intimidate prospective colored buyers.

It is also reported that many white home owners have been intimidated for "thinking of selling to colored people."

Klan Leaflets found

Others have been told that they must accept the idea of colored neighbors or put their homes on the block.

Several weeks ago, leaflets bearing the Klan label were thrown into several yards, and some residents found Klan stickers on their automobiles.

Owner Warns Terrorists

Miller told the AFRO-AMERICAN: "I am shooting now on to asking questions from now on to anyone I catch acting funny on my property after dark."

A policeman who investigated the bombing, told him not to shoot anyone but to call police.

Miller told the officer: "I am going to shoot the hell out of anybody who suspiciously crosses my property and call you later."

Mr. Miller sent out a call to his friends which said: " I would really appreciate some friends helping me on guard duty. The persons who did the bombing said they are coming back."

Several friends responded quickly, volunteering to help patrol his home in cars at night, using the shift system, while others remain in the home to help protect Mrs. Miller and the nephew from any possible injury.

Other Families in Danger

Mr. Miller said that while he had faith in the police department, he prefers to be a realist because the terrorists can always make an attack upon his home again while the officers are not around.

The AFRO also learned that colored families on Druid Circle have been selected as the next targets of the bomb throwers.

Kelly M. Alexander, State NAACP president, was on the scene early investigating the bombing.

In a special delivery letter to Chief of Police Frank N. Littlejon, Mr. Alexander asked freedom from "fear of violence or death at the hands of un-American thinking peope." He declared:

"I urge you to see that police protection is given colored families living in the Edison St. area.

"Race relations in the city of Charlotte are of the best anywhere in the South.

"We know that the better class of white citizens look with disfavor upon such violence as displayed last night by unknown hoodlums.

"The right to safety and security of the person is one of the basic rights in our country, and freedom exists only where the citizen knows that he is safe from lawless violence.

"We would not like for the colored people of Charlotte to live under the fear of violence or death at the hands of un-American thinking people.

Police Probe Pledged

"We urge you to give this your utmost consideration."

The Chief of Police promised to make a thorough investigation into the Edison St. bombing.

North Carolinian Fined On Jim Crow Charge

Asheville, N. C., March 14 (AP)—A white man, Kenneth Evans of near-by Hendersonville, was fined $25 and costs yesterday by Judge Sam Cathey in Police Court for violating the "Jim Crow" law. Evans pleaded guilty to demanding service Saturday in an Asheville Negro cafe. The court suspended a 30-day jail sentence on payment of fine and costs.

Guard Home After Blast In Carolina

Latest In Series Of Incidents To Spread Terror

By International News Service

CHARLOTTE, N. C.—Charlotte police this week guarded the home of a Negro family which was rocked by a dynamite blast.

No one was hurt in the bomb explosion which knocked out six windows and dislodged plaster.

Nonnie Miller, owner of the frame dwelling, said he knew of no reason why anyone should try to harm his family. He and his neighbors said it could be the latest series in a series of "incidents" seeking to prevent Negroes from moving into the once predominantly white section.

Police said the explosion occurred last night near where "make believe" Ku Klux Klansmen burned a cross about a month ago. No connection was seen by authorities in the two happenings.

CROSS BURNED

No fragments of the missile, presumed by police to have been a bomb, were found.

Shortly before Christmas a wooden cross was burned in front of the same house. Several weeks ago, literature and warning notes, allegedly distributed by the KKK, were tossed into several yards.

The Miller family is the only Negro group now living in the former all-white neighborhood.

Drop Racial Restrictions At YW Dormitory

YOUNGSTOWN, O. — After many years of agitation by local groups, the YWCA of this city has finally agreed to 'admit women of all races' to the YWCA domitory for permanent residence.

The 'Y' gracefully side-stepped the issue a long time ago by permitting Negro women in for 'temporary' residence. "The Y had no set policy on this matter," however, its leaders hastened to explain.

Last Spring the human relations committee of the organization dumped the issue flatly into the lap of the executive board of the institution.

The announcement that Negro and all other women "who are of of the right age and qualifications" may now have permanent quarters was announced by Miss Olive Riddle, executive secretary, last week.

Restrictive Covenants Are Dead

Oklahoma City Negroes desirous of purchasing property in areas previously restricted by covenants between white citizens against the sale of property to persons of African descent should develop no fears respecting the future soundness and legality of such purchases because of the recent decision of the U. S. Circuit Court of Appeals at Denver, denying right of appeal from the decision of the federal court of the Western District of Oklahoma.

We are making this statement because of the apparently misleading news stories published last week following dismissal of the appeals of Mrs. Bertha Jones and Ira Hall, both of whom lost their property purchased several years ago on Northeast Ninth street. These litigants lost their property before the U. S. Supreme Court ruled on the question of restrictive covenants. In actuality what these petitioners sought to do was to have the court's decision interpreted as retroactive to resurrect their lifeless cases. In this instance the court did not even consider the issues resolved in the restrictive covenant cases before them. The court simply said these two particular cases are dead and the court cannot reach back to put life into them.

If these two petitioners had appealed their cases immediately following the decision of the state court on this issue and they had been on appeal at the time of the U. S. Court decision covering the issues involved in their property, they would now be the beneficiaries of that opinion. There is nothing inconsistent with sound legal procedures that can be drawn from this action of the Denver court. The Black Dispatch simply points this out and makes this statement because of the quite evident attempt to infer that the Denver court has revived the vicious principle of restrictive covenants.

The ban against restrictive covenants is not only binding, by decision of the supreme court, but in addition, a recent ruling by the solicitor general of the U. S. bans all loans to mortgage companies and building loan associations seeking in any form to include such unlawful provisions in their contracts. A number of loan companies in Oklahoma City are refusing to make loans in such areas as previously restricted, but a few complaints properly filed and sufficiently factual in their content will break up this local conspiracy.

The Black Dispatch regrets that these property holders have lost their holdings. We still think there is a chance for them to sue for their equity in the property, which we hope they will attempt legally to do. This of course is just an after thought. What we seek to do in this statement is to let Negroes know they have the legal right to purchase property anywhere on the top side of the soil of Oklahoma City, and no one can institute suit against them because of their race or color. If any of our Oklahoma City readers see a piece of property they desire to buy, and the owner will sell, the only thing necessary is to see that title is properly conveyed. Hereafter, all talk of restrictive covenants is just so much hog-wash.

Threaten To Bomb Negro Nursing Home

White Residents Make Threats After Hearing

By MARK HYMAN

PHILADELPHIA.— (ANP) — White residents of a Philadelphia area are said to have threatened to bomb property recently bought by a Negro nurse Mrs. Juanita Green, last week.

Mrs. Green, who operates a nursing home in the city said that after her hearing before the Philadelphia Zoning commission last Tuesday morning, both women and men have been calling her home and using the word "n——" to her. They have said that they "Don't want any n——r in our neighborhood."

The calls actually began before the hearing Mrs. Green said. Even these people called names, but none threatened to bomb the home. She said that the four-story structure which she hopes to convert into a modern nursing home was damaged by vandals after the calls and that most of the plumbing was removed.

At the hearing Tuesday morning, approximately 50 persons from the 17th and Spring Garden area appeared to testify against the establishment of a nursing home in the area. An undertaker pointed to the traffic board saying that the old people would be endangered by passing autos. One landlord said this owner of 1901-05 Spring Garden St., said that this was an area for apartment houses only.

The counsel for the complainants said that the noise of the sick patients, the coming and going of delivery trucks, ambulances and visitors would create a noise and parking problem.

When permitted to speak, Mrs. Green told the commission that as far as traffic was concerned, none of her patients would walk the streets alone if at all. She said that there was ample space in rear of the building for all deliveries and visitors' cars.

The heading was shocked when she openly charged her prospective "neighbors" with not wanting her in the vicinity because she was colored. She pointed to the phone calls and the wrecked property.

John McShain, chairman of the commission, rebuked her openly for bringing in the race angle. He said that the commission did not decide on issues with any bearing on race or color.

Mrs. Green shouted at the commissions "if I am not permitted to operate my home there, I'll open up a home for colored GI's."

The case was dismissed and the petition signed by the whites in the area in question was taken under advisement.

When interviewed, Mrs. Green said if her plans are rebuffed by the commission, and since one of the main objections to her home is that this is an apartment house area, she will open an apartment for GIs with no less than two children each.

The second wave of threatening calls began Tuesday evening following the hearing. Mrs. Green who lives with her husband, Luther, at the Hamilton St. address said that the callers were vile in their use of the word Negro and made bombing threats and also said they would buy up the mortgage.

Mrs. Green who holds a registered nurse's certificate from the State of Pennsylvania, told reporters, that she feels qualified to operate any such home anywhere in the city.

She, also, related she resented the "weak way they tried to prove their case" by suggesting to the commission that this was not the place for a nursing home and that the area did not provide adequate sunlight and air.

When last contacted, the nurse said that despite the threats, she was determined to see the project through.

Council Bans JC in Housing Pact

PHILADELPHIA

The adoption by City Council, last week of a non-segregation, non-discrimination amendment to the housing agreement ended a bitter six-month fight for a democratic housing program in Philadelphia.

The Committee on Democracy in Housing, which originally proposed the non-segregation amendment is comprised of representatives of:

The Catholic Interracial Council, Ethical Society, Jewish Community Relations Council, National Conference of Christians and Jews, Philadelphia Council of Churches, Race Relations Committee of the Society of Friends, Religious Fellowship of Fellowship House and the Universalist Church.

The Urban League, NAACP, the Armstrong Association and AME Church groups, under Bishop D. Ward Nichols, spearheaded efforts to have the non-segregation amendment included in spite of bitter opposition from real estate interests and Philadelphia Dixiecrats.

Mrs. Waring's Speech

The speech of Mrs. J. Waties Waring, wife of Federal Judge Waring, before a group of Negro women at Charleston, S. C. last Monday, has created a stir throughout the nation, if not throughout the world.

Mrs. Waring commended the courage of the Negro women for inviting her to speak and then told the women that "You Negro people have already picked up the torch of culture and achievement from the whites down here. They are a sick, confused and decadent people." But it seems that the confusion and resentment started well in advance of her speech. Judging by her own words, it seems that the whites had prevailed with her not to keep her engagement with the group of women. There is where the trouble started. But Mrs. Waring refused to be intimidated, either before or since the meeting by threatening telephone calls, or by the insistence that she call off the engagement.

For that and for her courage to talk straight to the point, she is to be commended. What a tremendous influence a voice like hers will have upon many of the very people who are now resenting her speech! What a great change would come over the entire Southland in a short while, if only others with similar influence and spiritual leadership would come out and take a positive stand for justice and equality! All over our Southland we have hundreds upon hundreds of influential white citizens who think and feel just as strongly as does Mrs. Waring but lack the courage of their convictions to stand up and be counted.

White people speaking before Negro groups is old stuff, even in Talmadge Georgia. And it serves as a tremondous shock to the nation as well as the delegates of the United Nations, to know that a mere invitation and acceptance from a white person to speak to a Negro group should evoke so much distaste and bitterness. South Carolina has a long ways to go before it can get in step with these times.

Equality Speech Still Hot Issue In S. Carolina

Klan Promises To Answer Mrs. Waring At Another Time

CHARLESTON, S. C. — South Carolinians lashed out in cold anger yesterday in response to statements by a Federal judge's wife charging that Southern whites are morally decadent and spiritually inferior to Negrooes.

Mrs. J. Waties Waring, wife of the judge who outlawed South Carolina's white primary, made the comparisons Tuesday night in a speech to a Negro YWCA group.

The South Carolina legislature, now in session, had a private reading of Mrs. Waring's speech. Immediately, Representative Joseph Wise, Jr., a twenty-three-year-old Charlestonian, blurted out that South Carolina "needs no words from her . . . A damn Yankee."

Governor J. Strom Thurmond, who ran for President on the Dixiecrat ticket, said her remarks are "beneath answering."

On the other hand, Thomas Hamilton, Grand Dragon of the Associated Klaverns of the Carolinas, said he would answer Mrs. Waring later.

Mrs. Waring retorted: "I am not interested in the views expressed from the standpoint of the Ku Klux Klan by Messrs. Hamilton, Thurmond and Wise. She added that she had received several "threatening" telephone calls during the day, all anonymous.

The Judge's wife spoke to about 200 persons at the annual meeting of the Negro YWCA here. Among her audience were many white people.

After commending the sponsors for their bravery "in inviting me to speak here," Mrs. Waring said: "You Negro people already have picked up the torch of culture and achievement from the whites down here. They are a sick, confused, and decadent people . . . " adding:

"The white powers-that-be have done everything in their power to keep me from speaking to you Negro people, even to defaming Judge Waring's and my character.

She concluded her prepared address by saying "There is a new look not in the skirts, but in the eyes of the Negro women I pass on the streets and meet in the homes. Spiritually you have been away ahead of the white people, for you have been living by Christ's teachings of the Golden Rule."

When Judge Waring threw out the state's white primary in 1947, he urged South Carolina to "rejoin the union."

His wife told her audience Tuesday night that he was only urging "the white supremacists to do of their own volition . . . . but when they resist, only force will work."

After the speech Mrs. Waring said that the trustees of the white YWCA had demanded that the director of the Negro YWCA withdraw the invitation to her to speak, adding:

"The director and other officials of the Negro YWCA refused to withdraw the invitation. I told them in my speech . . . it was brave of them to hear me."

Judge Waring is a member of an old Charleston family and the son of a Confederate veteran.

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Tennessee

Whites Oppose Negro Housing Project For Blacks in Memphis

MEMPHIS, Tenn. — (ANP) — Crying out for continuation of segregation, 150 whites, members of the Union Villa Civil club, last week opposed the construction of a 462-unit project for Negroes at Chelsea and Highland in the Gragg school area.

The proposed project is to be built at a cost of $2,000,000 by Clark and Fay on a 39 acre tract. The whites threatened trouble if the project was built. One woman, Mrs. Vic Erdelyan said:

"We enjoy our freedom and separation and many Negroes feel the same way."

The whites spoke at a meeting of the city planning commission held to discuss the project. The construction company attorney, John Exby, told the commission it should not consider the project on the basis of racial prejudice, but on the conditions of sewerage, street lighting, and other factors on which the site was chosen.

The commission announced it will give its decision later—after the city has voted to annex the area in question to its city limits.

NAACP Acts In Dallas Dynamiting

DALLAS, Texas — Police indifference has led Dallas NAACP officials to employ a night watchman to guard Mr. and Mrs. Robert Shelton's home which was bombed here last week.

A reward of $500 was posted by the Association for the arrest and conviction of terrorists who dynamited the Shelton home. This was the third Negro home bombing in Dallas this year and the 22nd in the history of the city.

Shelton's home was blasted only a few hours after he moved into the former all white neighborhood. He was in bed reading a newspaper when the explosion—heard five miles away—ripped his home, causing considerable damage to both the interior and exterior of the house.

When police arrived to investigate, they found him staggering about the house, dazed and shaken, a pistol in his hand.

Following the bombing, Shelton received anonymous phone calls warning him to move from the inflammatory South Dallas neighborhood. Although other Negroes have moved into this general area, the Sheltons are the only colored family in his block.

Donald Jones, regional director of the NAACP, told the Defender that the local Branch had presented a petition to the City Council asking for more police protection and a careful probe of the bombing.

The petition, he said, indicated to the council that it was popular belief that the police had knowledge of the dynamiting which they were not using in their investigations.

Since the NAACP went into action, one of its officials has been threatened. An unidentified person told Attorney U. Simpson Tate by phone that he was on his way to the office "to get him." Tate armed himself and waited but the threat never materialized.

Home Bombed In Dallas, Police Patrol District

DALLAS, Tex.—(INS)— Police squad cars last week patrolled the neighborhood of Horace Boener, a Dallas Negro whose home was damaged by a "bomb" last Wednesday night.

Mr. Boener moved into the "white neighborhood" last month.

The blast shattered windows on one side of the house and blew off strips of plank siding.

Mr. Boener, 57, a printing firm employee, his wife and his mother-in-law, Mrs. Ella Mays, were asleep in the rooms where the window was hit, but were uninjured.

J. E. Dugan, a white neighbor who lives next door to Boener, told police a man approached him last Tuesday night with the suggestion Negroes be run out of the area, "with bombs, if necessary."

"I told him that wasn't the right thing to do," Dugan said, "I told him we should get out ourselves."

Angry Dallas Whites Bomb Negro Family

DALLAS, Texas — A new Negro home in the partially mixed Southland st. residential district was bombed last week after the family had received several threats for moving into the place.

The blast ripped one side of Horace Boener's home at 2515 Southland st. and the detonation shattered 18 window panes and shook the entire one-block neighborhood about 11 o'clock Wednesday night.

There are four Negro families in the block which is only a short distance away from a densely populated Negro section. After the Boener home bombing, a neighbor, Mrs. J. B. Williams, received a threat from several whites saying, 'You're next."

Cowardly Ku Kluxers Dynamite Negro Home

DALLAS, Texas—On Wednesday night, Feb. 8, about 10:40 p.m., Mr. and Mrs. Horace Bonner and Mrs. Bonner's mother, Mrs. Ella Mays, a Negro family, were jarred awake by a terrific explosion against the side of their home at 2515 Southland St., in South Dallas. The explosion was caused by a bomb either planted or thrown by KKK-minded persons in an attempt to force the Negro families who recently purchased homes in this block to move.

The bomb which exploded directly beneath the window where Mr. and Mrs. Bonner were sleeping, shattered every window pane, tore holes in the curtain and shattered siding of the house from the window sill to the ground and about 10 feet each way from the window.

Directly under the window and against the side of the house where the bomb exploded, was a hole about six inches deep. No bomb fragments were found, which led the police to think the bomb was fashioned of dynamite.

There is no question but what the FBI and the City authorities know or can easily learn the names of those responsible for this dastardly outrage. Why has the FBI not thrown their energy behind the apprehension of the criminals?

Local progressives have protested to the City Council and demanded better police protection for the Negro families of the bombed neighborhood and intensified effort for the arrest and conviction of all persons responsible for the bombing.

The night after the bombing, many Negro men of the area, armed themselves and stood watch all night, one took up position in a tree and others at vantage points where every house on the street was in view. The vigil will continue but not on such a large scale. It si obvious that it will not be healthy for the Kluxers to make another attempt.

PHOTO SHOWS damage done to side of the home of Horace Bonner by bombing.

Dallas Bombing Reward $1,000

DALLAS, Texas—Angered citizens of Dallas, Negro and white, this week doubled the $500 reward previously posted by the local branch of the NAACP for the apprehension and conviction of terrorists who recently bombed the third home here this year.

Meanwhile, the latest victim, Robert Shelton, proceeded with repair of his home which is currently guarded nightly by a watchman employed by the NAACP.

Burn Homes In Dallas Zoning War

DALLAS, Texas — One day before a Negro family was to begin occupancy in an "all white" block on the Dallas Southside the vacant house was gutted by fire.

Fire Chief Colbert declared, "it appears definitely to be arson."

The fire chief also revealed that the same house, sold to a Negro family 10 days ago, had also been set afire earlier in the week. The first blaze created only slight damage. However, the second fire was out of control before an alarm was turned in.

Only a few blocks away from the home was one into which a Negro family moved last month and which was bombed with a home-made missile the second night of their occupancy. No one was injured.

End Of Bombing Homes In Dallas, Tex., Demanded

DALLAS—(INS)—The National Association for the Advancement of Colored People has demanded that Dallas officials put an end to the bombings of Negro homes in the south section of the city.

A petition charging the officials with apathetic unwillingness to do anything about the bombings was presented to City Manager Charles C. Ford. The petition said:

"There is a strong public belief in a segment of the population of Dallas that some of our police officers are parties, active or tacit, to these acts of lawlessness and vandalism."

The NAACP statement followed the bombing on a night of the home of Robert Shelton. The explosion came three hours after Shelton had moved into a so-called "white" neighborhood.

$1,000 Reward In Bombing

DALLAS — (ANP) — Reward offered by the Dallas Branch NAACP for the apprehension and conviction of the persons who instigated the recent bombings of Negro homes here was raised last week to $1,000, it was announced by Mrs. Pearl C. Anderson, executive director of the Dallas civil rights organization.

The amount of the reward was increased by both colored and white citizens.

Meanwhile, with the protection given by a watchman, employed by the NAACP, to guard his home at night while he and his family slept Robert Shelton, victim of the last of the three bombings this year, proceeded with repair of his home despite threatening anonymous phone calls made to him last Saturday.

Dynamite Crumples Structure

Dallas Scene Of 4th House Bombing Since February

By International News Service

DALLAS, Tex. — Crumpled walls and roof of a Dallas, Tex., home offered mute testimony Saturday to the city's fourth house bombing since February.

A dynamite blast wrecked the five-room home Friday night. Police said the explosion is the worst to occur in the neighborhood where Negroes have begun to move into houses formerly occupied by whites.

No one was in the house at the time of the bombing.

* * *

THE HOUSE was offered for sale June 5, but it is not known whether it had been sold or not

Police found a burning mop inside the house, and a set of tire tracks and footprints in the driveway.

Plaster casts were made of the footprints and tire tracks.

Two Other Houses Damaged

Both Blasts Occur Within 24 Hours; Fifth This Year

By C. WOODY KIRBIE

DALLAS — Two Negro homes were bombed and two others were slightly damaged here last week—all within twenty-four hours.

Sometime last Friday night a bomb was planted at 2632 Pennsylvania Ave. At 9:24 p.m. it exploded, sounding for a radius of three miles. It blasted out windows and flooring at this address. Next door at 2630 more windows were blasted out. Both houses were empty.

Both these houses were bought recently by Dennis Huffman, a Negro taxi cab driver who lives at 2405 Warren.

The same bomb smashed out two front windows of the house across the street where another Negro family lives at 2629—the home of Mrs. Minnie R. Patton.

Then Saturday another bombing occured which came near breaking the record for damage done. This happened at 2515 Marburg where it was reported that a Negro family was planning to move. The interior of this house was completely destroyed. This house was empty too.

Force of the blast ripped out the kitchen ceiling, tore away inside walls and shattered the windows. Plaster from other inside walls of the 5-room frame bungalow was blasted off.

The dynamite blast came only a few minutes after a special officer assigned to patrol this racial trouble area had passed the house.

The officer said he had been making inspection trips of 5-minute intervals. The officer said who ever did it must have timed his trips. The officer said he had driven four blocks when the blast occurred.

Saturday night's blast was the fifth of the year and was one block from the first one of the year at 2515 Southland on Feb. 8. Horace Boener and his family were asleep inside at the time. They were not injured.

Robert Shelton, 2638 Pine, reported the only injury May 8 when a charge of dynamite was tossed on the roof over his bedroom.

Mrs. Dennis Huffman, wife of a Dallas taxi driver, told reporters that she and her husband planned to move in the house that was bombed Friday. "We don't know when," she said, "but we are going to move soon."

Mrs. Minnie R. Patton at 2629 Pennsylvania who has been living in the block since March said she thought her white neighbors were friendly.

Another white family when asked whether they objected to Negroes living in the block said, "They don't bother us. The only time we see them is when they are going or coming from work."

A second Negro family living in the block, Mr. and Mrs. T. W. LaWilliamise, 2635 Pennsylvania, said some of their neighbors came over for visits. They said they had no idea who was bombing the houses.

An elderly white woman walking before the bombed house said aloud, "Its wrong. Its wrong. I believe in treating people right."

Local police still claim they can't get a lead on the bomb hurlers.

Dallas Bombing Reward $1,000

DALLAS, Texas—Angered citizens of Dallas, Negro and white, this week doubled the $500 reward previously posted by the local branch of the NAACP for the apprehension and conviction of terrorists who recently bombed the third home here this year.

Meanwhile, the latest victim, Robert Shelton, proceeded with repair of his home which is currently guarded nightly by a watchman employed by the NAACP.

Mayor Denies Indifference on South Dallas

Blast Launched at Speaker For Recent Mass Meeting

By ALLEN QUINN

Mayor Wallace H. Savage Saturday lashed back at charges that the City Council was "indifferent" to the South Dallas problem created by movement of Negroes into white neighborhoods.

The Mayor's counterattack was leveled at the Rev. John G. Moore of the Colonial Baptist Church who made the charge Friday night at a mass meeting in Exline Park. About 200 persons attended the meeting.

Savage charged that Moore had asked the City Council to remove the police protection set up in South Dallas after the bombing of Negro homes there earlier this year.

About 100 at the Friday night meeting indicated they would join Moore in a descent upon the City Council to lodge further protests about alleged lack of action.

"I am glad they are coming," Mayor Savage said. "I intend to ask those who criticize the Council just what they want us to do that we can do. We have not refused to do anything that we can do, and the spokesmen for the South Dallas group know that.

SUGGESTION TOLD

"The only suggestion moore has made that I know we have refused was that we remove the police protection in the neighborhood," Savage said. Moore made the suggestion twice in executive sessions with the City Council that it would be better if we removed police protection in South Dallas.

"He is the only minister I know who would not deplore such an act by the Council."

Savage said that councilmen told Moore that it would be the Council's policy to preserve the peace whether it was breached by Negroes or whites.

"We told Moore that there was just one policy—to enforce the law, and that it would be enforced in case of any strife," Savage said.

"I believe that the ministers of Dallas almost unanimously would insist that we continue to preserve the peace. If we pulled police out of South Dallas and permitted a race riot we would be and should be run out of office."

Savage said that Moore and others "have not asked the City Council to do a single thing it could do that it has not done.

"If they expect us to try to use police powers to drive Negroes out of South Dallas, we are not going to do it. We would all find ourselves in the penitentiary. The City Council can not pass laws saying where Negroes and whites shall live. It has no such powers."

CALLED UNJUST

Mayor Pro Tem C. G. Stubbs, who represents the South Dallas area, said that "It is unjust to say that the Council is indifferent, or that its interracial committee has not functioned. I believe the Council has done all that it could do legally and rightfully to protect the rights of all citizens in South Dallas."

Those at the mass meeting agreed on a fund drive to set up a permanent organization to oppose Negro infiltrations in white areas and to buy up such properties purchased by Negroes.

Zoning Board Delays Ruling On Apartment

Housing Project For Negroes Involved

The Board of Zoning Appeals postponed a decision yesterday on a proposed 150-unit apartment development for Negroes on the South Side, and voted instead to seek further legal advice from the City Attorney.

At issue is whether the board has the right to grant a variance from the zoning laws to allow the construction of Buck Hill Apartments, a project to be erected on 12 acres of land bounded by Decatur, Clopton, Fluvanna, Everett and Maury Streets.

In an opinion rendered earlier in the day, City Attorney Drinard ruled that, on the basis of the facts given to him, the Board of Zoning Appeals has no jurisdiction in the case, because "no hardship approaching confiscation" is involved.

Charter Quoted

Drinard quoted a section of the Charter which says that the board can grant variations from the zoning regulations in cases where "the granting of such variation will alleviate a clearly demonstrable hardship."

After hearing opposing attorneys argue yesterday, the board decided to go back to Drinard for more advice.

E. Tucker Carlton, architect for the apartment project, made the appeal because the apartment units do not provide the amount of front, side and rear yard space required by the zoning ordinance.

Alec W. Neal and T. Nelson Parker, attorneys representing the Buck Hill interests, argued that the board hearing had been postponed before, so that they had not had a chance to present facts showing hardship in their case.

Near said Drinard's opinion did not preclude the board from acting if the Buck Hill interests could show hardship if they were compelled to follow the zoning ordinance.

He said his clients stand to lose between $12,000 and $14,000 in wasted architectural fees and another -2,000 or so spent in acquiring an FHA-guaranteed loan if the variance is not granted or if there is further delay in the case. The FHA commitment will expire shortly if some positive action is not taken, he said.

R. H. Clark, an associate of Carlton, said the Buck Hill project is of the garden type that has been developed since the zoning ordinance was written. He said relief from an "outmoded" ordinance is needed.

Hardship "Not Shown"

John C. Goddin, representing John D. Blair, Jr., owner of property across Clopton Street from the proposed development, argued that no matters of fact had been introduced to show that there is any hardship involved in the case.

He also said he could find no record with the State Corporation Commission of a firm called Buck Hill Apartments, Inc., and could find no evidence that the 12-acre tract had been purchased by such a corporation.

Parker replied that the Haras Corporation was the actual purchaser of the property.

He also said that as a candidate for City Council he had been asked almost daily about his views of slum clearance. He hailed the Buck Hill project as private enterprise's solution to slum clearance, and urged the board to approve the plan.

Drinard's formal opinion dealt with both Buck Hill and Brook Manor, another 262-unit apartment project for Negroes, to be built in the area bounded by Brook Road, Cummings Drive, Bristol Street, and an alley south of Edgehill Road.

A previous board hearing on Brook Manor was attended by more than 200 North Siders, most of them against the project. Negro proponents of the Brook Manor development claimed the project was being opposed solely on racial grounds.

Drinard said the Brook Manor plan, which also doesn't provide enough yard space, was not in the board's jurisdiction because there was no evidence that zoning rules would work hardship on the developers of Brook Manor.

However, Drinard pointed out that projects of more than 10 acres in size, as are both Buck Hill and Brook Manor, can be approved by the City Planning Commission and City Council under the community unit plan. A provision of the zoning ordinance permits Council to approve community unit plans after Planning Commission approval, even if the plans don't conform to regulations entirely.

Negro Manpower

Various plans have been submitted for decentralizing Federal activities in Washington. Several of these plans have dealt with problems of housing, education and recreation for the large Negro population, but there are many factors involved which have not been given due consideration.

Although thousands of white families have gone into the suburbs of our cities to dwell, there is little or no out-migration of colored people. Yet our cities are being cluttered up with Southern Negro migrants, many of whom would find suburban living far more healthy and suitable for adjustment. But they are not going back willingly into Maryland or Virginia until the restrictive laws that deny them civil rights are taken off the books.

If they must work in Virginia where are they to find homes? As an example of the intolerant attitudes that prevail consider the attempt of a builder to develop a multiple housing unit in Falls Church in the midst of the colored community. When the project was proposed representatives of some of the bordering homes of newcomers opposed the development before the county zoning board. This opposition was defeated.

The builder then sought plans and money from Federal agencies, but somewhere in the higher echelons subtle influences have stymied him. In fact, the only place where Negroes may build houses is usually beyond the areas where service utilities are at present available. Nor may they with feelings of security buy homes adjacent to white residential units.

These are dangerous times. We need manpower in the face of almost inexhaustible manpower of the enemy. Of course, the subject is controversial, but it should not be discussed only within the Board of Trade or white citizens associations. Negro leadership that can be counted on not to be timid or handkerchief-headed should be sought for advice in planning. Two hundred thousand people are too many and their problems too important not to be considered.

E. B. HENDERSON.

Falls Church, Va.

Couple Wins Housing Fight In Virginia

WASHINGTON—A Jewish couple in nearby Arlington, Va., won a restrictive covenant fight when an Arlington Circuit Court judge directed two county developers to approve plans and specifications for their home, despite a cevenant excluding "any person of the Semitic race."

The suit was brought by Sol Adelman and his wife, Mrs. Dorothey Adelman, who had asked the developers, Mr. and Mrs. Fred G. Behm, to permit them to build on a lot they owned in the Shirley Woods development.

Deeds to the development provided that all house plans and specifications be approved by Mr. and Mrs. Behm. But the developers refused to approve plans submitted by the Adelmans. At the time the Behms gave as their reason the racial covenant clause.

Judge Walter McCarthy said the only issue he had to decide was whether the plans conformed to standards of the developers. His order directed Mr. and Mrs. Behm to approve the plans and permit the Adelmans to build their home.

Crowd Gathers in Council Chamber to Oppose Brook Manor Housing Project for Negroes

Spirited Opposition Marks Hearing on Housing Projects

Times-Dispatch
Tues. 6-21-50

After holding public hearings on two hotly opposed plans for large apartment projects for Negroes, the City Planning Commission yesterday disapproved one and deferred action on the other.

The one on which action was deferred was Brook Manor, a proposed 262-unit development to be erected in the area bound by Brook Road, Cummings Drive, Bristol Street and an alley South of Edgehill Road on the North Side.

Disapproved was the Buck Hill Apartments project, a 150-unit development to go up in the area bounded by Decatur, Clopton, Fluvanna, Everett and Maury Streets in South Richmond.

Most of the 100 or so opponents who caused the hearings to be moved from the small Planning Commission conference room in the Aluminum Building to the City Hall Council chamber were interested in the Brook Manor development. Most were white residents of the near-by Hammond Place and Sherwood Park residential areas, who based their opposition on the grounds that multiple-family units near their homes would cause their properties to deteriorate in value.

Previously Considered

Both the Buck Hill and Brook Manor projects had been brought before the Board of Zoning Appeals for approval before. After hearings, the board turned both down.

It was suggested that Buck Hill and Brook Manor could be handled as community unit plans, under which developments of more than 10 acres in size can be approved by the City Planning Commission and City Council, even if the developments do not conform entirely to zoning regulations. Both projects are so-called garden-type developments that do not come entirely within zoning regulations because they do not provide sufficient yard space per unit. It was as community unit plans that both projects were brought before the Planning Commission yesterdey.

Low Rent Promised

R. H. Clark, an associate of E. Tucker Carlton, architect who designed Brook Manor and Buck Hill, told the commission yesterday that the Brook Manor project would be situated on 23 acres of land, would be architecturally attractive and would not be prefabricated.

He said the development would consist of both one- and two-story buildings. Clark said the units would rent for $41 a month.

Carlton said the usual type of flat could be built row on row on each side of the streets in the area, but said: "Don't force us to do it, because you're creating further slums in the City of Richmond."

Fred G. Pollard, attorney representing the opponents from Hammond Place, said "our whole case is based" on the part of the zoning ordinance that says the Planning Commission can approve a community unit plan if it doesn't affect adversely the property values of adjoining areas.

The Rev. E. J. Wright, an opponent, said, that, with a thousand or more people moving into the development, "In a short time they'd have nip joints and they'd be shooting, and fighting and murdering."

"Who's asking for this?" he asked. "We haven't heard of any groups asking for it."

Negroes Oppose Plan

Wright contended that numerous Negro residents of Douglas Court, another adjacent residential neighborhood, opposed the apartment project. John B. Welsh, another opponent, said "high-class colored people" are against the Brook Manor project. He said there are no transportation or school facilitie for such a large development.

The Planning Commission deferred action until its next meeting, to find out whether the developers could build a less attractive project in accordance with all regulations if the present plans are turned down. Clark noted that a less desirable plan could be devised that would conform entirely to all regulations.

One Project Rejected

Buck Hill was disapproved by the commission on a tie vote. Only four members, Chairman Thomas L. Cockrell, Robert A. Wilson, City Manager Reeder and C. W. Huff, Jr., were present. The opinion of two commission members was that the land on which Buck Hill would be built, an area zoned for industrial use, is not a good residential site and further restricts the number of good industrial sites in the city. At present there is no law preventing the building of residences in an industrial area. However, such a law is now under consideration.

T. Nelson Parker, attorney for the backers of Buck Hill, pointed to the Gilpin Court housing development for Negroes, which he says is near an industrial area.

John C. Goddin, attorney for John D. Blair, Jr., owner of an industrial property next to the Buck Hill land, said the housing development would cause a reduction in the value of nearby industrial property and therefore could not be approved by the Planning Commission.

After the decision was announced, Parker promised to bring Buck Hill before another meeting when full commission membership would be present.

Also deferred until a later meeting was a decision on an ordinance to grant Charles G. McKimmie, operator of an automobile sales agency at 605 West Broad Street, to make an addition to his present building that would project 4½ feet on the street line.